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ZONING GREATER WINNIPEG

1947

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W-73

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PRELIMINARY REPORT ON

Z O N I N G

PART OF METROPOLITAN PLAN
FOR GREATER WINNIPEG

Assiniboia . . Brooklands
Charleswood. East Kildonan
Fort Garry . . St. Boniface
St. James St. Vital
Transcona Tuxedo
West Kildonan . . Winnipeg

MANITOBA

CANADA

NO.

6

OF

MASTER PLAN REPORTS

Prepared Jointly By

Winnipeg. METROPOLITAN PLANNING COMMITTEE
WINNIPEG TOWN PLANNING COMMISSION

1947

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FOREWORD

The comprehensive plan for the metropolitan area is being prepared by the Metropolitan Planning Committee (Greater Winnipeg) and the Winnipeg Town Planning Commission, which in 1944 jointly established the 'Metropolitan Plan - Greater Winnipeg' for this purpose. Reports have been published on Background for Planning, Major Thorofares, Transportation, Transit and Neighborhoods - Schools, Recreation, Parks, and subsequent reports are being prepared on other phases of the planning program, including residential areas, city's appearance and the central business district.

The Zoning Report, sixth in the series, deals with zoning development and present conditions relating to zoning, as a basis for presentation of proposals for regulating future development of the Greater Winnipeg area. The text of the proposed by-law appears, the regulations are explained, and the zoning district map, which shows proposed locations of the various districts, is reproduced with descriptive comment. Recommendations are also made regarding methods of adoption and administration of the zoning regulations.

The zoning proposals presented herein have received intensive study in the process of their development. They originated in the Planning Office and were then reviewed by the Citizen Advisory Committee on Zoning. This Committee was one of several appointed by the Joint Executive Committee from nominations submitted by organizations throughout the metropolitan area, for the purpose of reviewing proposals on the various phases of the comprehensive plan. Many revisions were made during the process of review in an attempt to shape the proposals to the needs of the metropolitan area.

This report is a guide only to the zoning by-law and district classification map finally adopted by each municipality. It enunciates the principles and general considerations that formed the background for the original proposals. While in large measure the original proposals were found acceptable, consideration of different local situations in the various municipalities has led to a number of changes in the text. Hence for precise details of the zoning in any municipality it is necessary to refer to the by-law and district map adopted by that municipality.

RELATION OF ZONING TO THE OVER-ALL PLAN

Zoning is but one phase of the over-all plan for Greater Winnipeg. It aims to establish the pattern for eventual development of the best possible environment for living, working and playing. The achievement of this future pattern for living will be aided materially by the preparation, approval and enforcement of sound zoning regulations, related to the over-all plan, which will guide development into desirable channels. The scope and the limitations of zoning must be understood at the outset, however. Zoning is not an end in itself, but a means to an end. It provides direction for future development, having a limited effect upon existing development.

Comprehensive zoning implies complete coverage of all property within the city or municipality by zoning districts, the application of use, height and area regulations in each district, and relation of the regulations to existing conditions and to the future requirements of the community.

Provision must be made for homes, business and industry in the metropolitan area. The appropriate number of districts and the type of regulations depend upon the diversity of activities, the kind and characteristics of industry, local preferences in regard to types of residential accommodation and commercial facilities necessary to serve the population. In Greater Winnipeg, four residential districts were considered adequate, permitting various types of residential buildings, ranging from single to multiple-family dwellings.

The types of present and potential industrial activity influence the extent of industrial areas and the regulations therein. A predominance of heavy industries, which use large, single-storey structures, will require more extensive industrial districts in outlying areas than a predominance of light industries which carry on their operations in comparatively small establishments in more central areas, perhaps even in the upper storeys of buildings in the Central Business District. Three industrial districts are provided in Greater Winnipeg, including one for heavy industry and two for light industry.

Zoning should also be related to the neighborhood development scheme, since the relative need for neighborhood and community facilities in the form of schools, playgrounds and parks will depend in large measure upon the type of residential zoning. Population densities will be likely to differ in the residential zones, because of varying minimum lot area requirements per dwelling unit in each. In addition, the neighborhood scheme is influenced by other phases of development. Major thoroughfares, which are located to provide easy, direct movement to and from all parts of the metropolitan area and to carry heavy traffic and transit service, should border residential neighborhoods. Transportation routes and facilities for rail, air and motor service, between Greater Winnipeg and outside points, create many physical barriers which, wherever feasible, should form boundaries between residential neighborhoods or between residential and other areas, and therefore should be considered as zone boundaries.

The zoning needs of the municipalities differ according to their distinct characteristics - some are primarily residential while others provide employment opportunities in industrial establishments, or educational institutions. Municipalities in Greater Winnipeg which fall into the first category include Brooklands, Charleswood, East Kildonan, Fort Garry, St. James, St. Vital, Tuxedo and West Kildonan. Residents of these areas depend largely upon the city or adjacent municipalities for employment, trade and service. Assiniboia is largely agricultural in character. The City of St. Boniface has a number of heavy industries and numerous light industries, employing residents from the whole metropolitan area. Transcona comprises a large proportion of railway employees engaged in nearby C.N.R. yards and shops, together with those engaged in providing the needed commercial and other services for the town. The University of Manitoba is located in Fort Garry, serving students from all parts of the province as well as from Greater Winnipeg. The City of Winnipeg contains the downtown business district of Greater Winnipeg, where a large number of residents of Winnipeg and of surrounding communities are employed in retail and wholesale trade, light industry, the professions, services, and financial and other business occupations. Other places of employment include the provincial government offices, civic offices, railway terminals and yards, and industrial establishments.

DEVELOPMENT OF ZONING

Ever since there have been cities or towns, men living in them have sought to control the type of development therein. From records of ancient times, there is evidence of regulations similar to modern zoning controls being applied as far back as 3,000 B.C. The means of regulation or control which have been exercised down through the ages have not always been such that they would be accepted today in a democratic society.

The principal sources of influence on Canadian municipal problems have been Great Britain and the United States. Development of zoning as a municipal function in these countries will, therefore, be discussed briefly as a background for the treatment of Canadian and local zoning problems.

Great Britain

From medieval times until the industrial revolution, the use of land and the nature of the buildings erected on the land were closely controlled by large estate holders in Britain. Land owners determined what land should be built upon and what the character of the building should be, enforcing such development by means of covenants. In the late eighteenth and early nineteenth centuries, extensive urban growth made these covenants more and more difficult to enforce, due to change in and multiplicity of ownership. A period of almost unrestricted development therefore paralleled the rapid growth fostered by the revolution in industry. The interests of those who were largely in control of the land were bound up in industrial development and the creation of wealth. The need for provision of adequate amenities for living and their value in the life of the community and the country were largely discounted.

There were, however, those in the country whose voices were heard with increasing insistence, declaiming the conditions of the day. Action began with the passage of the Public Health Act in 1875, dealing with housing conditions of workers. Gradual improvement was made in the legislation, until in 1909 the first legislation dealing specifically with town planning was passed. The first statute dealing solely with town planning was the Town Planning Act of 1925, which was extended and amended in 1932 to cover country planning as well. The high density of population in Great Britain required the most productive use of land not only in urban but also in rural areas. The limited area available for agriculture and the importance of agriculture to the country led the government to its present policy of avoiding diversion of agricultural land to other purposes, where less productive land could reasonably be used for those purposes. The most recent changes in the Town and Country Planning Act were made in 1947.

Local authorities are provided with powers to zone under present British Town and Country Planning legislation. It contains provisions for control of the use of land and buildings, density of population, space about buildings, heights of buildings, and the siting, design and external appearance of buildings. As one British legal authority described it, present Town Planning legislation in Britain 'merely confers on local authorities powers which are derived from the practice of landowners'.*

While Canadian and United States practice has been to establish zoning as a separate municipal by-law, the British practice is to incorporate the zoning functions as part of a Town Planning Scheme, which may include many other planning functions dealing with streets, thoroughfares, public spaces, services and the like, and which must be approved by the responsible minister.

* Quoted in The Principles of Town Planning Law, by J. Charlesworth, published by Stevens & Sons Limited, London, England, 1946.

United States

The development of zoning regulations in the United States as a form of municipal control had its beginning in attempts to confine certain given uses to particular areas. Such regulations were not termed zoning at that time, nor were they based upon any general plan for the improvement of the community. The gradual development of these controls into general zoning regulations has been, however, all too often independent of adequate planning. Zoning came to be looked upon as a necessary form of municipal control, and was accepted as such without appreciation of its relationship to comprehensive, orderly future development. More United States cities have recognized it in recent years as a phase of planning, and most of them now relate their zoning to such plans.

Although the city of Boston regulated the height of buildings as early as 1904, and Los Angeles adopted certain use regulations in 1909, the remarkable spread of zoning and its recognition by state legislatures and the courts, has taken place since 1916, when New York City enacted the first comprehensive zoning ordinance in the United States, regulating the use, height and area of buildings by districts.

When modern zoning legislation was first introduced, it met with considerable opposition. Numerous attempts at piecemeal or partial zoning, with no legal background for such regulations, resulted in many unfavorable court decisions on zoning cases, which retarded the legal progress of the comprehensive zoning movement. Zoning of part but not the whole of cities or municipalities was deemed to be discriminatory in favor of those owning property within the zoned area, and was therefore opposed by the courts. Unfavorable decisions created some misdirected opposition to zoning in general, through lack of understanding of the basis for the court decisions wherein such partial zoning was disallowed.

Continued expansion of cities and the invasion of inappropriate uses in certain districts made the need for comprehensive control so obvious, however, that it soon became apparent that the courts would uphold zoning regulations which were not arbitrary or unreasonable. Favorable decisions were made by some of the more progressive state courts in the United States. The most valuable and far-reaching decision in the field of zoning was that made by the United States Supreme Court in 1926, virtually sustaining zoning in all its phases.

Since that time, United States zoning practice has improved and developed into a generally accepted and desired form of municipal control over development. More than 50 million urban dwellers, representing approximately eighty (80%) percent of the urban population in the United States, now have the protection afforded by zoning regulations.

Canada

The origin of zoning as a form of control over the physical growth of communities in Canada is difficult to trace. It is recorded, however, that Toronto began to establish residential and industrial districts in 1904, under powers provided in the Ontario Municipal Act. Since that time, zoning regulations have been applied throughout the country, until in 1943 fourteen of the largest cities in Canada offered zoning protection. These were Victoria, Vancouver, Edmonton, Regina, Saskatoon, Winnipeg, Toronto, Ottawa, London, Hamilton, Montreal, Quebec, Saint John and Halifax.

At the present time, enabling provincial legislation is provided in all provinces of Canada. Similar provisions in Town Planning Acts in British Columbia, Alberta, Saskatchewan, Nova Scotia and New Brunswick, empower local authorities to pass zoning by-laws to establish districts in which to designate height, ground area and bulk of buildings; to prescribe building lines, maximum density of population, and depth, size or area of yards, courts and other open spaces; and to control architectural design, character and appearance of buildings.

In Ontario, the Municipal Act provides power to regulate the use of land, and the

use, height, bulk, location, spacing, external design, character and cost of buildings in defined areas. The Planning Act contains a reference to the powers provided under the Municipal Act.

Quebec enabling legislation for zoning appears in the Municipal Code and in the Cities and Towns Act. Provision is made for establishing districts wherein regulations may limit the height of buildings, regulate the use of land and buildings, and prescribe architectural symmetry of buildings, area of lots occupied by buildings, distances between buildings, and the distance from the street line at which a building may be erected.

The Town Planning Act of Manitoba provides towns, villages and municipalities in the province with the power to establish town planning schemes, with zoning regulations as part of them. This Act was passed in 1916, and later amended in 1924 and 1940. One section of the act provides for zoning regulations controlling building lines on all existing streets and roads, and on all new streets and roads; limiting the number of separate family dwelling houses per acre and providing for adequate light and air to the windows of each house; prescribing zones within which to regulate the density of building for the purpose of securing amenity; prescribing certain areas which are appropriate for agricultural uses, dwelling houses, apartment houses, factories, warehouses, shops or stores; and prescribing the height, use or general character of buildings, billboards or structures for advertising purposes which are likely to be injurious to the amenity or natural beauty of any area. The Town Planning Act does not apply to cities in the province, which operate under provisions in their city charters.

The Acts containing provincial enabling legislation for zoning are recorded below.

<u>Provincial Planning Acts</u>		
British Columbia	Town Planning Act, 1925	(amended to 1946)
Alberta	Town Planning Act, 1929	(amended to 1945)
Saskatchewan	Community Planning Act, 1945	(amended 1946)
Manitoba	Town Planning Act, 1916	(revised 1940)
Ontario	The Planning Act, 1946	(amended 1947)
	The Municipal Act, 1937	(amended to 1946)
Quebec	Municipal Code	
	Cities and Towns Act	
New Brunswick	Town Planning Act, 1936	(amended to 1944)
Nova Scotia	Town Planning Act, 1923	(amended to 1939)
Prince Edward Island	Town Planning Act, 1945	

Greater Winnipeg

Several municipalities in the Greater Winnipeg area have adopted town planning schemes or partial schemes under the Town Planning Act of Manitoba, providing their own areas with at least partial zoning control. Zoning regulations presently in force in Greater Winnipeg have been built up over a period of years, applying only to areas designated by individual municipalities within their boundaries. In only one case, the Municipality of St. James, is the entire area of any city or municipality zoned. In the City of Winnipeg, regulations cover about sixty-four (64%) percent of the total area, but the percentage of the metropolitan area zoned is considerably lower.

Controls range from unrestricted development in the Village of Brooklands to land use, yard space and area restrictions in the City of Winnipeg. Regulations which are essentially zoning controls appear in the building by-laws, zoning by-laws and town planning schemes. In the City of Winnipeg, where the Zoning Board has power to vary the regulations, many variations have been made in the uses allowed in zoned districts throughout the city.

Regulations in the Municipality of Assiniboia provide for control of the location of fur farms by the Council. In the Village of Brooklands, there are no zoning controls.

TABLE 1 OUTLINE OF PRESENT ZONING REGULATIONS IN GREATER WINNIPEG

MUNICIPALITY & DISTRICT	USE	MAX HEIGHT		FRONT YARD	SIDE YARD	REAR YARD
		STOREYS	FEET			
ASSINIBOIA	No Districts Established					
BROOKLANDS	No District Established					
CHARLESTOWN	No Districts Established. Regulations control location of fur farms.					
EAST KILDONAN	R 1	8	Width of Street or 90'	Varies	1/10 width of lot or 4' for dwell.	
	R 2					
	C					
	A					
FORT GARRY	I	Max. 66'	Varies			
	A					
	R 1					
	R 2					
ST. BONIFACE	C					
	A					
	B					
	C					
ST. JAMES	D					
	A					
	R 1					
	R 2					
ST. VITAL	C	Dwell. 28 Others 3	65'	Varies 10' to 40'	Varies	
	I 1					
	I 2					
	C					
TRANSCONA	A					
	B					
	C					
	D					
TUXEDO	A	66	50'	Min. 1/3 Height of Bldg.		
	B					
	C					
	D					
WEST KILDONAN	1A 1B 2A 2B 2C			Min. 15'		
	3A 3B 4					
	B1					
	B2					
WINNIPEG	R 1	Maximum height 1 1/2 x width of widest street on which site fronts, plus 3 feet for each foot set back from street line. (Bldg. Code)		Min. 15' where lot depth greater than 120' Min. 10' where lot depth less than 120'	Min. 4' for apts.	
	R 2					
	R 3					
	C 1					
WINNIPEG	C 2					
	I 1					
	I 2					
	U					

The Municipality of Charleswood requires approval of fur farm locations, and under the building by-law requires certain minimum set-backs of buildings on specified streets.

East Kildonan, under its Town Planning Scheme of 1925, amended in 1932 and 1936, provides use, area and height regulations in parts of the Municipality. The northern part of the Municipality of Fort Garry is covered by a Town Planning Scheme passed in 1928 and amended in 1929, 1931 and 1934. This scheme controls the use of land, area of the lot to be built upon, height, value and size of buildings.

In the City of St. Boniface, separate by-laws covering specified areas provide regulation of land use, front yard depths, building size and building value. These provisions vary for each area.

The St. James Town Planning Scheme, passed in 1930, covers the entire municipality and regulates use of land, yard space and height of buildings. The scheme is administered under the Town Planning Act by the Town Planning Commission, which is designated as the responsible authority.

Various building by-laws, which were consolidated in 1943 in St. Vital, regulate use of land, number of buildings per lot, and depth of front yards. Certain sections of the consolidated building by-law therefore constitute zoning, although the municipality has no zoning by-laws or Town Planning Scheme as such.

In Transcona, a by-law was passed in 1930, designating areas for commercial and residential use and specifying minimum front yards and value of buildings in certain parts of the Town. This is not designated as a zoning by-law, but it constitutes zoning.

Tuxedo's Town Planning Scheme was passed in 1925, and the area covered by it was extended in 1928. It provides use, area, height and value controls in the part of the Town over which the scheme operates.

West Kildonan passed a zoning by-law in 1944, to restrict in certain areas the use of land, depth of front yards and value of buildings.

The City of Winnipeg Charter provides power to pass by-laws for creating, regulating and controlling zones in the city and the uses of any land therein; for limiting, regulating and controlling the portion of each parcel of land which may be occupied by a building; and for regulating and controlling the distance from the street line of any street, within which a building shall not be placed. Numerous by-laws embodying zoning regulations in the City of Winnipeg were consolidated in 1936. At the present time, these apply to about sixty-four (64%) percent of the area of the city, regulating in designated areas the use of land, yard space and proportion of the site which the building may cover. Building alignments have been established by separate by-law, and these have been shown on a study map, which was prepared to indicate the areas where the various alignments applied.

Further detail regarding present use, height and area zoning regulations in the municipalities of Greater Winnipeg appears in the Outline of Present Zoning Regulations in Table 1.

Sources: History of Zoning, by Gordon Whitnall, published in the Annals of the American Academy of Political and Social Science, Philadelphia, May 1931.

Zoning, by Edward M. Bassett, published by the Russell Sage Foundation, New York, 1940.

PRESENT CONDITIONS RELATING TO ZONING

To be effective and to guide different types of development into the most suitable areas, zoning regulations should be based upon sound zoning principles and, at the same time, be related to existing zoning and to present development. In the zoning studies of Greater Winnipeg, a number of maps were prepared as reference material with respect to existing development. These maps recorded such useful and necessary data as existing land use, lot area per family, lot widths, front yard depths, building heights, location of commercial uses, and light and heavy industrial areas. Zoning computations were prepared, showing the extent of such varied uses as streets, parks, schools, churches, dwellings, stores and industry.

Present Land Use

The Land Use map was compiled from data secured from a field check in the Greater Winnipeg area. It records in various colors the locations of existing uses, including single family, two family and multiple family dwellings, schools, hotels, public or semi-public buildings, commerce, industry, railways and cemeteries. Study of the map reveals the general characteristics of areas - whether they are closely built up with similar uses, have scattered development, or show various uses closely and indiscriminately intermingled.

Areas presently developed in similar uses should generally be zoned to permit the same type of use and to protect the area from other undesirable uses. For example, the proper zoning for an area which is predominantly single and two family homes is as an 'R2' Two Family District, which would not permit multiple dwelling, commercial or industrial uses to invade the area. Such development appears in the City of Winnipeg between Portage Avenue and the Assiniboine River, west of Maryland Street, where some homes have been converted into duplexes and a number of new two family dwellings have been built. Other residential areas where development is uniform are River Heights, Crescentwood, Fort Rouge and Riverview in the City of Winnipeg, near Portage Avenue in St. James, and part of Transcona. The downtown area is generally developed with commercial uses of a similar character, while parts of Point Douglas and St. Boniface contain a uniform type of industrial development.

Scattered residential development in peripheral areas suggests possibilities for resubdivision, to produce greater desirability and economy. Such opportunities are apparent in most of the municipalities and in outlying portions of the City of Winnipeg. Where scattered development occurs in more central areas, the reason for it should be sought. If the area is unsuited for the uses which have been established, whether residential or industrial, due to topography, inaccessibility, location or other reasons, the most suitable development of the area should be determined and the zoning should be drafted to permit that type of use. Development has spread fairly evenly in the Greater Winnipeg area, leaving no large central areas which are not built up. Some areas within the limits of the City of Winnipeg, in the north-west, south-west, and along the western boundary, are still undeveloped, due partially to the trend to new settlement in the adjacent municipalities, partially to poor drainage conditions, and in the last named area to the presence of railway and industrial development.

Mixed uses indicate a condition of blight, with industrial, commercial and residential uses too close together to allow satisfactory development. Again, the most desirable use must be determined in relation to over-all development, and the area zoned accordingly. Mixed uses are particularly evident in the area south of Graham Avenue between Main Street and Vaughan Street, north of Notre Dame Avenue east of Sherbrook Street, and in Point Douglas in the City of Winnipeg, and in the north-western portion of St. Boniface. In the Hudson's Bay reserve area, residential, commercial and light industrial uses have become so closely intermingled that the area cannot be used satisfactorily for residential

use without complete, coordinated redevelopment. In the area west of the C.N.R. Fort Rouge Yards, a few industries are located along Scotland Avenue, but the general area north of Scotland and south of the C.N.R. Harte Subdivision is developed largely in residential uses. The area has been zoned for residential development, due to the predominance of residential uses, including extensive wartime housing development which has recently been located south of the Harte Subdivision, as well as other new residential construction. Zoning of this area for residential use does not interfere with continuation of railway operations, for which allowance is made in a special clause in the by-law, which is explained in Chapter 4, under Highlights of Special Provisions.

Preparation and interpretation of land use data has provided a basis for sound zoning. Air photographs were also used to advantage as a supplement to the land use map, in determining zoning district boundaries which would not unduly affect established uses.

Present Lot Area Per Family

The Present Lot Area Per Family map records the relationship of the number of families in a dwelling to the size of the lot. Seven graded classifications of lot areas per family are indicated in various colors, ranging from 624 square feet and under, up to 5000 square feet and over per family.

The Lot Area Per Family map should be studied in relation to the type of residential accommodation, in order to interpret conditions properly. For example, a multiple family dwelling, such as an apartment containing four dwelling units, providing 2000 square feet per family, would indicate location on a lot equivalent to 80 x 100 feet. A duplex providing 2000 square feet per family might be located on a lot 40 x 100 feet. The same lot area per family is much less desirable, however, for a single family dwelling, since it would indicate a lot not larger than 25 x 80 feet. Twenty-five foot lots are not considered adequate for proper provision of light, air and yard space.

As might be expected, large areas showing most desirable conditions, or 5000 square feet and over per family, appear in outlying and suburban areas, in Assiniboia, Charleswood, Tuxedo, the Deer Lodge district in St. James, Fort Garry, east of St. Anne's Road in St. Vital and the northern portion of the Crescentwood district in Winnipeg. One area more centrally located, Armstrong's Point in Winnipeg, is also in the highest classification.

Areas with 4000 square feet and over per family appear in the River Heights district of Winnipeg and in Norwood in St. Boniface. Lot areas of 2500 to 3999 square feet per family predominate in extensive areas in Greater Winnipeg, including north Winnipeg, Elmwood district, the southern portion of East Kildonan, a large area from Notre Dame Avenue south to the Assiniboine River, the Fort Rouge district and St. Boniface.

Lowest lot areas per family, 624 square feet per family and less, appear in the areas in Winnipeg where large apartments are located, namely along and near Broadway, on Westminster Avenue, in the Roslyn Road area, in the Grosvenor area and in spots north of Cornish Avenue to Portage. This condition generally indicates that the apartment buildings have little or no yard space provided about them for adequate access of light and air and for outdoor use of residents.

Present Lot Widths

The Present Lot Widths map records the widths of lots in all subdivided areas in Greater Winnipeg, broken down into six classifications, ranging from less than twenty-five (25) feet to fifty (50) feet and over.

Large areas with desirable lot widths of fifty (50) feet and over appear in Charleswood, Tuxedo, Deer Lodge in St. James, Armstrong's Point in Winnipeg, Wildwood in Fort Garry, and Riverview in Winnipeg.

There are, however, too many areas where homes are developed on twenty-five (25) foot lots, which provide little space between buildings. Such areas appear in Brooklands, the eastern part of St. James, parts of the Fort Rouge district in Winnipeg, and the north-eastern part of St. Vital.

Some portions of Greater Winnipeg show great variations in lot widths, which is not an altogether desirable situation since it produces irregular development. Within a single block in north Winnipeg, lot widths vary from twenty-five (25) to fifty (50) feet. Similar disparity occurs in parts of St. Vital, St. Boniface and the Elmwood district. This is due in large part to certain owners using double lots and to others who subdivide a group of three or more lots, to provide fewer, slightly wider lots.

Large undeveloped areas containing subdivisions with twenty-five (25) foot lots offer an opportunity for resubdivision to provide wider lots and a more desirable street pattern. Such undeveloped but subdivided areas occur near the western boundary of Tuxedo, in the south Fort Rouge district and in north Winnipeg.

Present Building Heights

The Present Building Heights map indicates the number of storeys in existing buildings, broken down into seven groups, ranging from two and one-half ($2\frac{1}{2}$) storeys and less, to thirteen (13) storeys and more. Buildings over six (6) storeys in height are found only in the downtown business district. The 'Golden Boy' on the dome of the Legislative Building is the highest point in the metropolitan area, 242 feet, although the building itself contains only three (3) storeys. The Fort Garry Hotel, with eleven (11) storeys and a height of 192 feet, is the second highest building. The tallest office building, with its thirteen (13) storeys reaching 164 feet, is the Union Trust Building, located at Main and Lombard Streets.

Outside the business district, most buildings are two and one-half ($2\frac{1}{2}$) storeys or less in height, with a sprinkling of three (3) storey buildings, many of which are apartments, and a relatively small number of structures reaching six (6) storeys.

In Assiniboia, Brooklands, St. James, West Kildonan, East Kildonan, Elmwood district in Winnipeg, Transcona, Norwood district in St. Boniface, St. Vital, Fort Garry, Tuxedo and Charleswood, buildings are practically all two and one-half ($2\frac{1}{2}$) storeys or less.

In Winnipeg, except Elmwood, and in St. Boniface, except Norwood, three (3) storey buildings are scattered throughout the whole area. Three storey apartments in two and one-half ($2\frac{1}{2}$) storey areas are not undesirable if they have sufficient yard space, but if they cover the whole lot area they prevent access of light and air to adjacent properties. It is therefore desirable that three (3) storey apartment buildings be excluded from some residential districts and that suitable areas be designated where their construction is permitted.

South of the Assiniboine River in Winnipeg, the only buildings from three to six storeys in height are the Municipal Hospitals, the Victoria Hospital and three apartments. The spacious grounds of the Municipal Hospitals provide an attractive setting and offer ample room in proportion to the height of the buildings. This is in sharp contrast to the Victoria Hospital development on River Avenue, where no yard space is provided and the building overshadows adjacent property. In north Winnipeg and in the area south of Notre Dame Avenue and west of the business district, buildings from three to six storeys in height are widely scattered. In the areas adjacent to the C.P.R. yards, in Point Douglas and in St. Boniface, some buildings up to six storeys in height appear. Again, the desirability is apparent of guiding construction of higher buildings into suitable areas, rather than permitting location in any area, where undue height may have a deteriorating effect upon neighboring uses and property values.

Present Front Yards

The Present Depths of Front Yards map shows graphically eight different groups, ranging from less than five feet, to forty-one feet and over. Throughout the Greater Winnipeg area, there is an unusual lack of uniformity of front yard depths. Within a single block, there are variations of up to forty feet in the set-back of buildings from the street line.

While some variation in the set-back of buildings from the street is desirable to avoid monotony, particularly in residential areas, the map indicates conditions which have resulted from a complete lack of early control and which give many streets and buildings an exceedingly poor appearance and relationship. Minimum front yard depths should be required, into which no building may project.

In comparison with other parts of the metropolitan area, relative uniformity exists in Tuxedo, with a large proportion of front yards of forty-one feet or more, Armstrong's Point with thirty-one feet or more, River Heights and St. Vital east of St. Mary's Road with twenty-six to forty feet, Norwood with twenty-one to twenty-five feet and Portage Avenue to the Assiniboine River with sixteen to twenty-five feet.

There are some areas where a majority of the properties have a uniform depth of front yard, but where the remainder of the properties show a considerable amount of variation. These appear in Riverview, with predominating frontyards of twenty-six to forty feet, in St. Vital west of St. Mary's Road with sixteen to twenty-five feet, Fort Rouge with sixteen to twenty feet, St. James and the area from Portage Avenue to Notre Dame Avenue with eleven to twenty feet, Elmwood with eleven to fifteen feet, and North Winnipeg with six to ten feet immediately north of the C.P.R. yards, gradually changing to eleven to fifteen feet near the north City Limits.

Wind Roses

Wind roses which were prepared to indicate the direction of prevailing winds in the Greater Winnipeg area are shown on Plate 1. Other factors being equal, it is desirable that the location of heavy industry in relation to the urban area should be such that the prevailing winds will carry smoke, dust, odor and noise away from the areas developed for other than industrial uses.

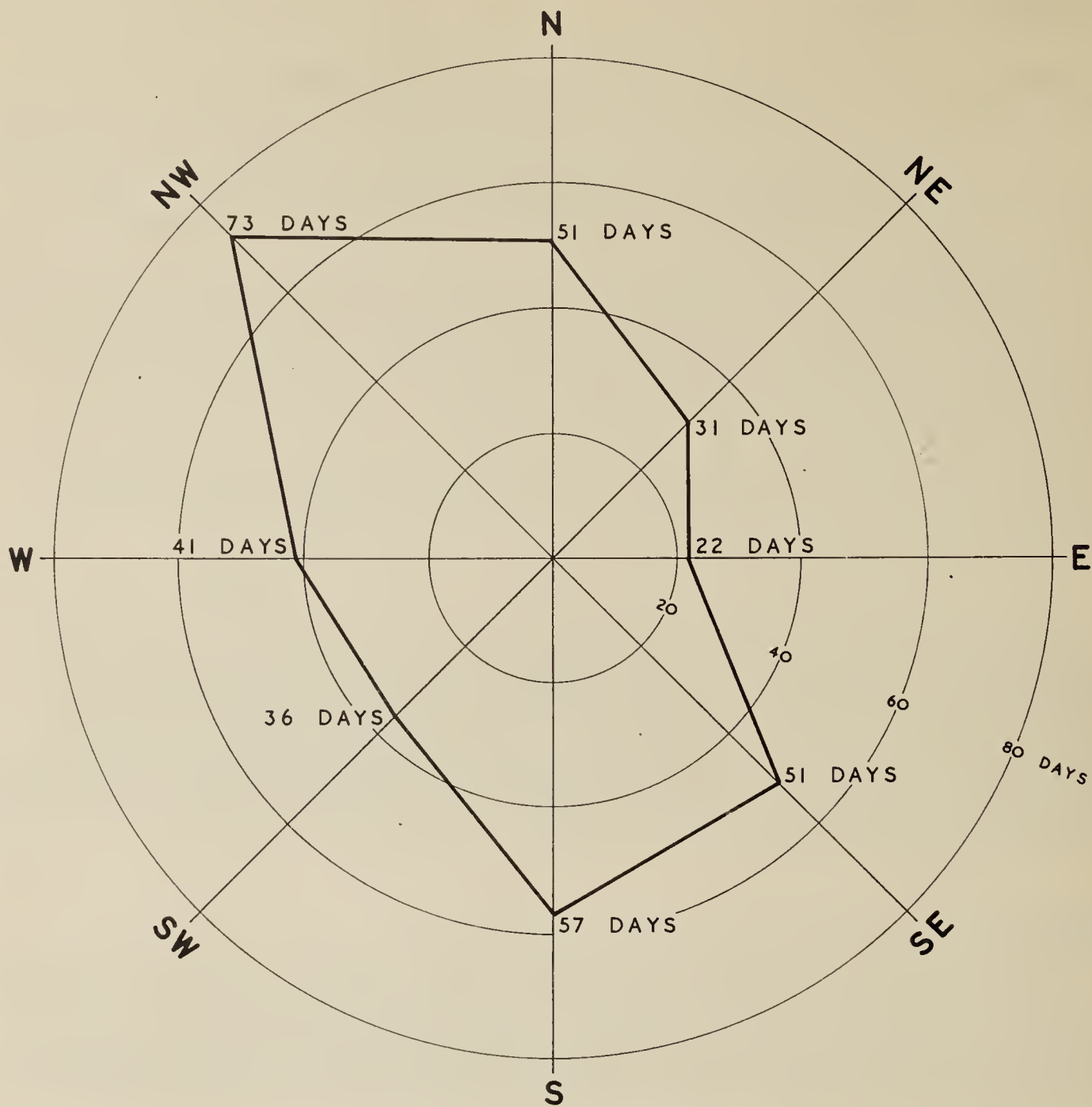
Records from the Meteorological Division, Department of Transport, show that during the past twenty years, prevailing winds in Greater Winnipeg have been from the north-west, the annual average being seventy-three (73) out of three hundred and sixty-five (365) days with the wind blowing from the north-west. Seasonal wind roses show prevailing winds from the north-west in the summer, autumn and winter. In the spring, the wind was from the north and from the north-west for an equal number of days.

Heavy industry in the south-eastern part of the urban area, in St. Boniface, therefore seems to be well located in this respect.

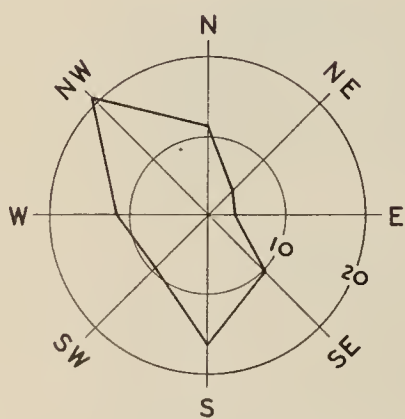
Zoning Computations

Zoning computations were prepared to indicate the proportion of the Greater Winnipeg area presently developed in such various uses as streets, parks, schools, churches, institutions, residence, industry and commerce.

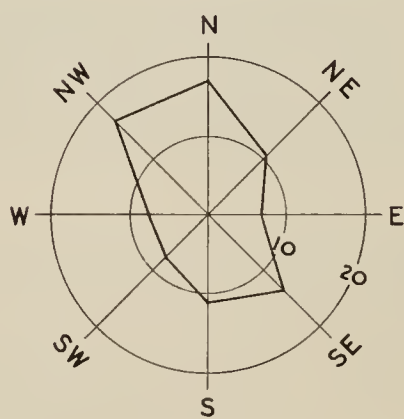
Table 2 presents land use data for Greater Winnipeg, together with comparable information from the United States. The use pattern of developed urban land areas in cities of different size ranges in the United States was determined from studies of twenty-two cities. Figures shown for United States cities with populations from 250,000 to 500,000,



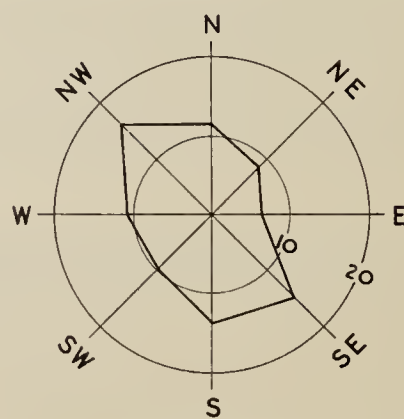
ANNUAL AVERAGE



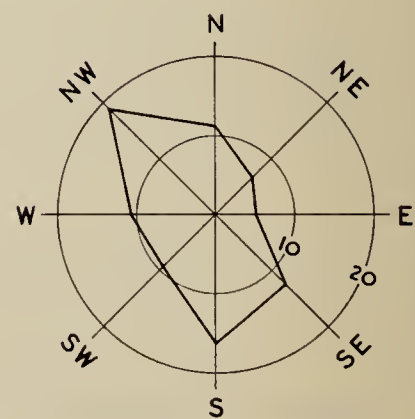
WINTER



SPRING



SUMMER



AUTUMN

SEASONAL AVERAGES

WIND ROSES GREATER WINNIPEG 1921 · 1944

METROPOLITAN PLAN

GREATER WINNIPEG

INFORMATION SUPPLIED BY METEOROLOGICAL DIVISION DEPARTMENT OF TRANSPORT

a size comparable with Greater Winnipeg, were presented by the Administrator of the National Housing Agency to the Senate Subcommittee, and recorded in the Taft Committee Hearings.

Table 2 Land Use Comparison, Greater Winnipeg and U.S. Cities

<u>Use</u>	<u>Greater Winnipeg</u> <u>(320,000)</u>	<u>Sample U. S. Cities</u> <u>(250,000 - 500,000)</u>
Residential	32.4%	39.2%
Industrial	22.1	10.3
Commercial	1.8	3.4
Streets	24.0	27.2
Parks	14.5	8.2
Public	<u>5.2</u>	<u>11.7</u>
Total Developed Area	<u>100. %</u>	<u>100. %</u>

Table 3 contains detailed land use information broken down by municipalities in Greater Winnipeg. Section 1, AREA, shows the area in acres, according to the Dominion Bureau of Statistics. The areas range in size from 640 acres in Brooklands, to 21,448 acres in Assiniboia.

Section 2, AREA PRIVATELY DEVELOPED, records the area privately developed with one family, two family and multiple family dwellings, retail business, and light and heavy industry. These figures, compiled in the Planning Office from the Atlas Sheets of the City of Winnipeg and from land use maps of the various municipalities, represent the only estimates presently available of the extent of various types of existing development.

Section 3, DEVELOPED AREA, indicates the extent of the area developed in urban uses, including streets, parks, schools and institutions, privately developed area (Section 2), churches, cemeteries and railways. These figures were also prepared in the Planning Office, using data from the city and municipal offices wherever it was available. In the case of streets, the City of Winnipeg was able to supply the required information readily. Some of the municipalities were able to supply the data, while information for the remaining municipalities was taken from maps in the Planning Office.

Figures on area developed in Parks and Schools had been obtained from the various municipalities and school boards for use in park and school studies. The area of sites occupied by Churches and Cemeteries was obtained from Insurance Atlas records for the central area and from the municipal offices for the suburban areas. Railway development was computed from maps made available by the railways, and includes all railway owned property, as well as the area developed in tracks, yards, shops and terminals. The figure for Area Privately Developed is the total which appears in Section 2.

Section 4, POPULATION, gives the population figures according to the Dominion Population Census of 1946. These range from 677 in Tuxedo to 229,045 in the City of Winnipeg. Figures for Persons Per Developed Acre are derived from total population (4a) and total developed area (3i). The greatest concentrations of population appear in Brooklands, with 33 persons per developed acre (acre developed in urban uses) and 70 persons per acre developed with dwellings, and in Winnipeg with 29 persons per developed acre and 74 persons per acre developed with dwellings. Development in Brooklands is largely residential, on small properties located in a comparatively small area. While Winnipeg has a large amount of public, railway, industrial and commercial development, 39% of its area is developed in residential uses. Location of multiple dwellings and apartments largely in the City of Winnipeg is another factor which increases concentration of population upon the land.

The less densely populated areas are Tuxedo with 2, Assiniboia with 3, Charleswood with 5, and Transcona with 6 persons per developed acre. Tuxedo, with large homes on

TABLE 3 · ZONING COMPUTATIONS · GREATER WINNIPEG

LAND USE	ASSINIBOIA	BROOKLANDS	CHARLESWOOD	EAST KILDONAN	FORT GARRY	ST. BONIFACE	ST. JAMES	ST. VITAL	TRANSCONA	TUXEDO	WEST KILDONAN	WINNIPEG	METROPOLITAN AREA
1. AREA (acres)	21,448	640	23,487	2,071	17,198	11,641	5,111	14,448	5,504	4,725	1,894	15,315	123,482
2. PRIVATELY DEVELOPED AREA (acres)													
a) One Family	55.7	39.0	50.0	203.1	165.0	351.0	473.1	320.0	82.5	49.8	148.9	2,723.6	4,667.7
b) Two Family	-	-	-	0.2	-	25.9	-	0.4	0.2	-	0.4	66.0	93.1
c) Multiple Family	-	-	-	0.3	-	6.5	0.7	0.5	0.1	-	0.3	290.6	299.0
d) Retail	0.4	2.9	1.4	2.8	4.5	7.5	10.7	5.1	4.4	-	3.3	237.0	280.0
e) Industry - Light	-	3.1	-	24.1	4.1	75.0	6.3	2.3	2.2	-	5.2	375.2	497.5
f) Industry - Heavy	-	-	-	15.0	11.5	312.8	1.7	-	-	24.1	-	202.3	567.4
g) Total (acres)	56.1	45.0	51.4	245.5	185.1	778.7	492.5	328.3	89.4	73.9	158.1	3,900.7	6,404.7
3. DEVELOPED AREA (acres)													
a) Streets	136.1	4.5	111.3	181.0	81.3	302.7	265.5	323.0	154.4	114.4	126.9	1,944.9	3,746.0
b) Parks	398.0	-	60.0	-	150.2	268.3	108.5	68.0	8.0	149.5	2.5	1,062.2	2,275.2
c) Schools	4.5	6.3	11.0	13.1	8.1	23.7	14.5	18.5	5.5	2.6	6.1	125.7	239.6
d) Institutions	-	-	-	-	-	32.1	6.7	22.0	-	-	10.5	45.9	117.2
e) Churches	-	0.5	3.7	1.2	0.4	27.7	1.9	0.7	1.9	-	1.4	54.4	93.8
f) Cemeteries	63.0	-	-	-	4.1	22.0	-	27.2	-	-	24.0	226.6	366.9
g) Railways	96.4	27.7	306.2	20.0	90.9	196.5	19.4	38.0	85.0	70.0	27.5	653.3	2,398.9
h) Privately Developed Area	56.1	45.0	51.4	245.5	185.2	778.7	492.4	328.3	89.5	73.9	158.1	3,900.7	6,404.8
i) Total (acres)	754.1	84.0	543.6	460.8	520.2	1,651.7	908.9	825.7	1,112.3	410.4	357.0	8,013.7	15,642.4
4. POPULATION													
a) Population (1946)	2,160	2,728	2,688	9,071	5,200	21,613	14,903	14,674	6,132	677	6,579	229,045	315,470
b) Persons per Developed Acre	3	33	5	20	10	13	16	18	6	2	18	29	20
c) Persons/Acre Dev. with Dwellings	39	70	54	45	32	56	31	46	74	14	44	74	62
5. SINGLE FAMILY RESIDENCE													
a) Number of Dwellings	381	651	722	2,237	1,150	3,894	3,507	3,300	1,386	151	1,815	37,243	56,437
b) Persons Housed	2,160	2,728	2,688	9,037	5,200	18,923	14,782	14,443	5,804	677	6,509	193,991	276,942
c) Percent of Population Housed	100	100	100	99.6	100	87.6	99.2	98.4	94.7	100	98.9	84.7	87.8
d) Average Persons per Dwelling	5.6	4.2	3.7	4.0	4.5	4.9	4.2	4.4	4.2	4.5	3.6	5.2	4.9
e) % of Developed Area Occupied	7.5	46.5	9.3	43.5	31.7	21.3	52.0	38.8	7.4	12.1	41.7	35.5	29.8
6. TWO FAMILY DWELLINGS													
a) Number of Dwellings	-	-	-	2	-	250	-	4	11	-	4	812	1,083
b) Persons Housed	-	-	-	17	-	1,950	-	33	74	-	27	5,538	7,639
c) Percent of Population Housed	-	-	-	0.2	-	9.0	-	0.2	1.2	-	0.4	2.4	2.4
d) Average Persons / Dwelling Unit	-	-	-	4.2	-	3.9	-	4.1	3.4	-	3.4	3.4	3.5
e) % of Developed Area Occupied	-	-	-	0.04	-	1.6	-	0.05	0.02	-	0.1	0.8	0.6
7. MULTIPLE FAMILY DWELLINGS													
a) Number of Dwellings	-	-	-	1	-	92	4	11	15	-	2	800	925
b) Apartments Contained	-	-	-	4	-	225	45	66	92	-	14	12,560	13,006
c) Persons Housed	-	-	-	17	-	740	121	198	254	-	43	29,516	30,889
d) Percent of Population Housed	-	-	-	0.2	-	3.4	0.8	1.4	4.1	-	0.7	12.9	9.8
e) Average Persons Per Apartment	-	-	-	4.2	-	3.3	2.7	3.0	2.7	-	3.1	2.4	2.4
f) % of Developed Area Occupied	-	-	-	0.06	-	0.4	0.07	0.06	0.01	-	0.08	1.95	1.9
8. RETAIL BUSINESS													
a) Number of Stores	3	27	9	38	24	119	110	61	79	-	47	1,893	2,410
b) % of Developed Area Occupied	0.05	3.5	0.3	0.6	0.9	0.5	1.2	0.6	0.4	-	0.9	3.1	1.8
c) Total Frontage (feet)	187	1,683	900	2,294	2,298	4,238	6,490	3,235	2,932	-	2,050	144,018	170,325
d) Average Frontage (feet)	62	62	100	60	95	36	59	53	37	-	44	76	71
e) Av. Frontage/100 Persons (feet)	9	62	33	25	44	20	44	22	48	-	31	63	54
9. INDUSTRY													
a) Area Occupied (acres)	-	3	-	39	16	388	8	2	2	24	5	578	1,065
b) % of Developed Area Occupied	-	3.7	-	8.5	3.0	23.4	0.9	0.3	0.2	5.9	1.4	7.5	6.8
c) Square Feet per 100 Persons	-	6,070	-	18,750	13,400	78,100	2,340	590	1,420	154,500	3,510	11,000	14,700

spacious lots and extensive park and golf course areas, also shows least concentrated development according to the population per acre developed with dwellings. One large golf course in Assiniboia covers an extensive area. Comparatively large railway areas, and residential development on extensive properties in Charleswood, enlarge the developed area, thereby reducing the number of persons per developed acre. In Transcona, the railway shops and yards comprise 853 acres, or some 77% of the developed area, and in the area developed with dwellings, the population concentration is the highest in the metropolitan area, ranking with that of Winnipeg, with 74 persons per acre.

Section 5, SINGLE FAMILY RESIDENCE, shows the number of single family dwelling units, the number of persons and percentage of the total population housed in these units, the average number of persons per single family dwelling, and the percentage of the total developed area occupied by single family dwellings. The number of single family dwelling units was obtained from the municipalities, where it was available, and in other cases from the Atlas sheets and land use maps for the metropolitan area.

The percentage of population housed was derived from the number of persons housed in single family dwellings and the total population. It will be noted that in five municipalities, namely Assiniboia, Brooklands, Charleswood, Fort Garry and Tuxedo, all residents are housed in single family dwellings. In the metropolitan area, 88% of the population lives in single family homes, indicating a strong preference for this type of residential development.

The percentage of developed area occupied by single family dwellings was computed from the total developed area (3i) and the area developed privately in one family homes (2a).

The average number of persons per dwelling indicates the relationship between number of single family units (5a) and number of persons housed in these units (5b). These figures show considerable variation in the different cities and municipalities, but the 1946 figure for the whole metropolitan area, of 4.9 persons per single family dwelling unit, compares with the Dominion Bureau of Statistics 1941 figure of 4.0 for metropolitan Winnipeg.

Section 6, TWO FAMILY DWELLINGS, shows similar data applied to two family dwellings. The information on the number of two family units and number of persons housed therein, was obtained from the individual municipalities. The percentage of population housed was derived from the direct relationship of the number of persons occupying two family dwellings (6a) and total population (4a). Six of the municipalities have no two family dwellings.

The average number of persons per dwelling unit in two family dwellings in Greater Winnipeg is 3.5. As might be expected, this figure is somewhat lower than that for single family occupancy.

Section 7, MULTIPLE FAMILY DWELLINGS, gives information on the number of multiple dwellings, number of apartment units contained and number of persons housed in these apartments. This information was supplied by the municipal offices. The average number of persons per apartment in the metropolitan area is 2.4, which is the same as the average for the City of Winnipeg, in which the greatest number of apartments are located.

Section 8, RETAIL BUSINESS, records the number of storeys, the percentage of developed area occupied, total commercial frontage, average frontage per store, and average commercial frontage per 100 persons. The number of stores and total frontage was obtained by checking commercial locations as they appeared on the land use maps and atlas sheets. From this information, it was then possible to obtain the average store frontage. By relating total frontage to total population figures, commercial frontage per 100 persons was obtained, in order to enable a direct comparison of the commercial uses developed in each municipality to serve the population.

The greatest commercial frontage in relation to population appears in the City of Winnipeg, in which the downtown business district is located, serving the entire metropolitan area. The commercial frontage per person provided in Brooklands is almost as great as that in Winnipeg. This is partially due to the location on Keewatin Street of

stores serving adjacent areas in Winnipeg, as well as in Brooklands. Most commercial establishments in Brooklands are one storey structures, having a greater frontage in proportion to volume of business than the larger downtown stores. The Town of Tuxedo has no commercial development, being served locally by nearby stores in Charleswood and Winnipeg, and by the downtown commercial development.

Section 9, INDUSTRY, records the area occupied by industry, and the extent of industrial development per 100 persons. Figures were obtained from land use maps and atlas sheets, and exclude railway properties, which appear as a separate item in 3g. Figures on square feet of industry per 100 persons, derived by relating total industry (9a) to total population (4a), enable a comparison of the relative industrial development in each municipality. This comparison should be made with due regard to other factors. The high figure for Tuxedo, for example, is misleading due to the relatively small population of the town. Industry comprises only one establishment, which covers some twenty-four (24) acres and is located in the extreme southern corner of the town, a considerable distance south of residential development.

St. Boniface, with 388 acres developed in industry, has 78,000 square feet per 100 persons in industrial use. The actual development is second only to the City of Winnipeg, with 578 acres in industry, which constitutes 11,000 square feet of industrial development per 100 persons.

An interesting descriptive and pictorial record of development in Greater Winnipeg is contained in Manitoba Industrial Topics, July-August 1947 issue, published by the Industrial Development Board of Manitoba.

Apartment Schedule

An apartment schedule was compiled showing the name, location, height, number of apartments, lot area and lot area per family of all apartments in Greater Winnipeg. This provides a complete picture of the type, characteristics and locations of multiple dwellings throughout the metropolitan area. From this schedule, the lot area per family of all multiple dwellings was derived, enabling a direct comparison of the density of development to be drawn between any two types of multiple dwellings.

Table 4 Apartment Buildings in Greater Winnipeg

Space Provided (Square feet per dwelling unit)	Apartment Buildings	
	Number	Percent
Less than 400	326	42.6%
400 to 799	268	35.0
800 to 1199	89	11.6
1200 and over	<u>83</u>	<u>10.8</u>
Total Apartment Buildings	<u>766</u>	<u>100.0</u>

Table 4 shows the number and percentage of apartments in Greater Winnipeg, according to lot area provided per dwelling unit. While there are a number of apartments in Greater Winnipeg developed on large, attractive sites and offering adequate space for access of light and air and for landscaping, a high proportion of existing apartment buildings do not meet desirable space standards. The proposed zoning by-law requires in the "R3" Three-Storey Multiple Family District a minimum lot area per dwelling unit of 800 square feet, and in the "R4" Six-Storey Multiple Family District a minimum lot area per dwelling unit of 400 square feet. On a lot 40' x 120' a three-storey apartment providing six dwelling units would therefore meet the required minimum, as would a six-storey apartment providing twelve dwelling units.

There are only thirty-one (31) apartment buildings, or 4%, over three storeys in height in Greater Winnipeg, of which only six (6) presently meet the proposed minimum requirement of 400 square feet per dwelling unit. The remaining apartment buildings, or 96%, should provide at least 800 square feet per dwelling unit, but the large majority are short of this by varying amounts. Some three hundred and twenty-six (326) apartment buildings provide less than 400 square feet, and another two hundred and sixty-eight (268) apartment buildings provide over 400 but less than 800 square feet, making a total of five hundred and ninety-four (594) or 77.6%, providing less than the desirable minimum proposed.

The apartments which meet the standard comprise 22.4% of the total, and include eighty-three buildings providing 1200 square feet or more per dwelling unit. The fact that such apartments have been built is evidence that they can be operated profitably. Long-term returns on apartment buildings which provide greater amenities should be as great, if not greater, than for apartments without adequate light and air, since tenants will likely seek the more desirable accommodation when housing demands ease, thereby reducing vacancy rates to a minimum in the more spacious developments.

Commercial Service

A common fault of many zoning regulations is that of providing more frontage for commercial use than is needed. Such over zoning for commerce results in vacant properties, since people prefer to build their homes on residentially zoned properties, where commercial establishments will not spring up around them.

The extent of commercial services depends upon the needs, demands and buying habits of the population. The proportionate volume of business conducted in the downtown business district and in local shopping centres is influenced by the selection and quality of merchandise offered, comparative prices, accessibility, services provided, and the like, and therefore varies in different urban areas.

Table 5 Sample Commercial Areas, Greater Winnipeg

AREA	AVAILABLE COMMERCIAL FRONTAGE (in feet)		COMMERCIAL FRONTAGE (ft)	POPULATION		COMMERCIAL FRONTAGE (ft) PER 100 PERSONS	
	Present Zoning	Proposed Zoning	Presently in Use	Present	Proposed	Presently in Use	Available Under Prop. Zoning
1	2,388	3,690	730	7,758	18,500	9.4	20.0
2	2,693	2,818	345	2,096	13,000	16.4	21.6
3	<u>3,422</u>	<u>3,543</u>	<u>1,465</u>	<u>8,969</u>	<u>13,000</u>	16.4	27.2
1,2,3	<u>8,503</u>	<u>10,051</u>	<u>2,540</u>	<u>18,823</u>	<u>44,500</u>	13.5	22.6
4	5,182	3,280	1,710	9,991	13,400	17.2	24.5
5	3,941	2,069	2,360	16,200	10,100	14.6	20.5
6	3,516	2,580	625	4,075	5,400	15.6	47.8
7	1,479	2,529	3,040	15,560	10,175	19.5	24.8

Area Boundaries:

- Area 1 - Assiniboine River, South City Limits, Cambridge, East Limit of Midland Railway.
- Area 2 - Assiniboine River, South City Limits, C.P.R., West City Limits.
- Area 3 - Assiniboine River, C.N.R. (Scotland Avenue), Aynsley, Cambridge.
- Areas 1, 2 and 3 - Assiniboine River, West City Limits, South City Limits, C.N.R. (Scotland Avenue), Cambridge, Aynsley.
- Area 4 - Lane north of Woodward, Red River, C.N.R. Yards.
- Area 5 - Notre Dame, St. Matthews, Home, Wall.
- Area 6 - C.P.R. Yards, Notre Dame, Souris La Riviere Branch, Worth.
- Area 7 - North City Limits, Burrows, Salter, Arlington.

In order to determine the existing relationship of commercial uses to population in selected sample areas of Greater Winnipeg, the commercial frontage was obtained from Atlas Sheets and the present population was obtained from the population distribution map, based upon Census figures. The probable future population of each area, when developed in accordance with proposed residential zoning, was then estimated and related to the proposed commercial zoning. This enabled a comparison between present commercial uses per 100 persons and proposed zoning for commerce per 100 persons of future population. Property zoned for commerce, but covered by alignments or presently developed in other than commercial uses was deducted from the gross commercial zoning, leaving the available zoned frontage as the figure used for purposes of comparison. The resulting figures, shown in Table 5, indicate that proposed zoning allows ample space for provision of stores to meet future requirements.

Proposed commercial frontage according to figures given in the preceding table was increased somewhat by the Winnipeg Town Planning Commission, before submitting its recommendations to Finance Committee.

PROPOSED ZONING SCHEME FOR GREATER WINNIPEG

The purpose of the proposed zoning scheme is, as stated in the draft zoning by-law, "to lessen congestion on streets, to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the municipality, all in accordance with a comprehensive plan".

Determination of the proposed urban and suburban area boundaries, based upon the future population to be accommodated at a desirable population density, preceded preparation of the zoning proposals for Greater Winnipeg. In addition to estimating the needs of the Greater Winnipeg area as a whole, consideration was given to anticipated expansion in each municipality. The urban and suburban area determined after consultation with the municipalities in the area, is large enough to accommodate 530,000 persons, at an average population density of approximately 12 persons per acre. In comparison with the 320,000 persons presently living in the metropolitan area, the proposed urban and suburban area is considered ample.

The danger of an overly large area zoned for urban use should not be overlooked. Too large an area may allow development of scattered subdivisions in outlying areas, which may demand such municipal services as sewer, water and roads, thereby placing unduly large financial burdens upon the municipalities.

Basis of Zoning Proposals

Preparation of the proposed zoning scheme was carried out with due regard for present zoning, existing conditions and sound zoning principles.

Present zoning regulations were shown on a study map, which was used for reference purposes. Since many investments in property were made on the basis of present zoning regulations, it was deemed desirable to retain the present zoning unless definite advantages could be gained from a change.

Reference was made to maps recording existing conditions, which have already been described in the previous chapter. If, in spite of two-family residential zoning, the land use map showed that an area contained a substantial number of apartments, or other multiple dwellings, consideration was given to zoning the area for apartment development.

Zoning computations furnished a useful guide by showing existing relationship of industry and commerce to the population served. Existing commerce and industry have been established in response to the effective demand, so that the existing relationship should indicate the amount of commerce and industry which can be supported by the present population. In particular, the extent of the frontage zoned for commerce should bear a reasonable relationship to the ultimate population to be served, plus a reasonable margin to allow for expansion and to offset commercially zoned frontage developed in other uses.

Good zoning should make proper provision for amenable living, which requires pleasant, undisturbed residential neighborhoods, with adequate commercial service, and provision for employment opportunities in business and industrial areas. To do this effectively, zoning requires a solid foundation in sound zoning practice. Since zoning affords protection to property values, it should be applied to the entire area, to guide all future development.

Zoning must be related to other phases of the over-all plan, such as major thoro-

fares, transportation and neighborhood development. The close inter-relationship of the various phases is evidenced by the need for transportation facilities in areas zoned for industry, the effect of major thoroughfare location upon neighborhood boundaries, and the influence of the type of zoning upon the size of proposed neighborhoods.

Each zoning district should be applied in an area sufficiently extensive to allow proper development. For instance, a residential district bounded by physical barriers should be at least large enough to allow self-contained neighborhood development, with desirable school and community facilities.

Residential areas must have adequate commercial service, which can best be provided in small commercial islands, rather than in long commercial strips.

Wherever possible, the pattern of zoning districts should change gradually from the most restricted to the least restricted districts. Areas adjacent to single-family residential districts can often be zoned for two-family or multiple-family use, to provide a gradual change to commercial or industrial districts. In this way, height and area as well as use restrictions can be graduated, thereby avoiding drastic changes in the character of development at district boundaries. The obvious undesirability of having heavy industrial establishments beside single family dwellings, for instance, can be readily appreciated. In general, it is desirable for rear lot lines rather than street lines to form district boundaries, so that properties facing each other will be developed in similar uses.

Zoning By-law—Districts and Provisions

The proposed zoning scheme comprises a zoning by-law, embodying regulations, and a district map showing the areas in which the regulations apply. The zoning by-law provides use, height and area regulations in each of thirteen (13) districts, covering residential, commercial and industrial areas. A summary of these regulations appears in Table 6, and their application is illustrated by means of diagrams in Plate 2. The districts provided in the by-law are:

A1	Agricultural	C1	Limited Commercial
RA	Suburban	C2	Commercial
R1	One-Family	C3	Commercial
R2	Two-Family	CM	Business District
R3	Multiple-Family	M1	Light Industrial
R4	Multiple-Family	M2	Light Industrial
		M3	Heavy Industrial

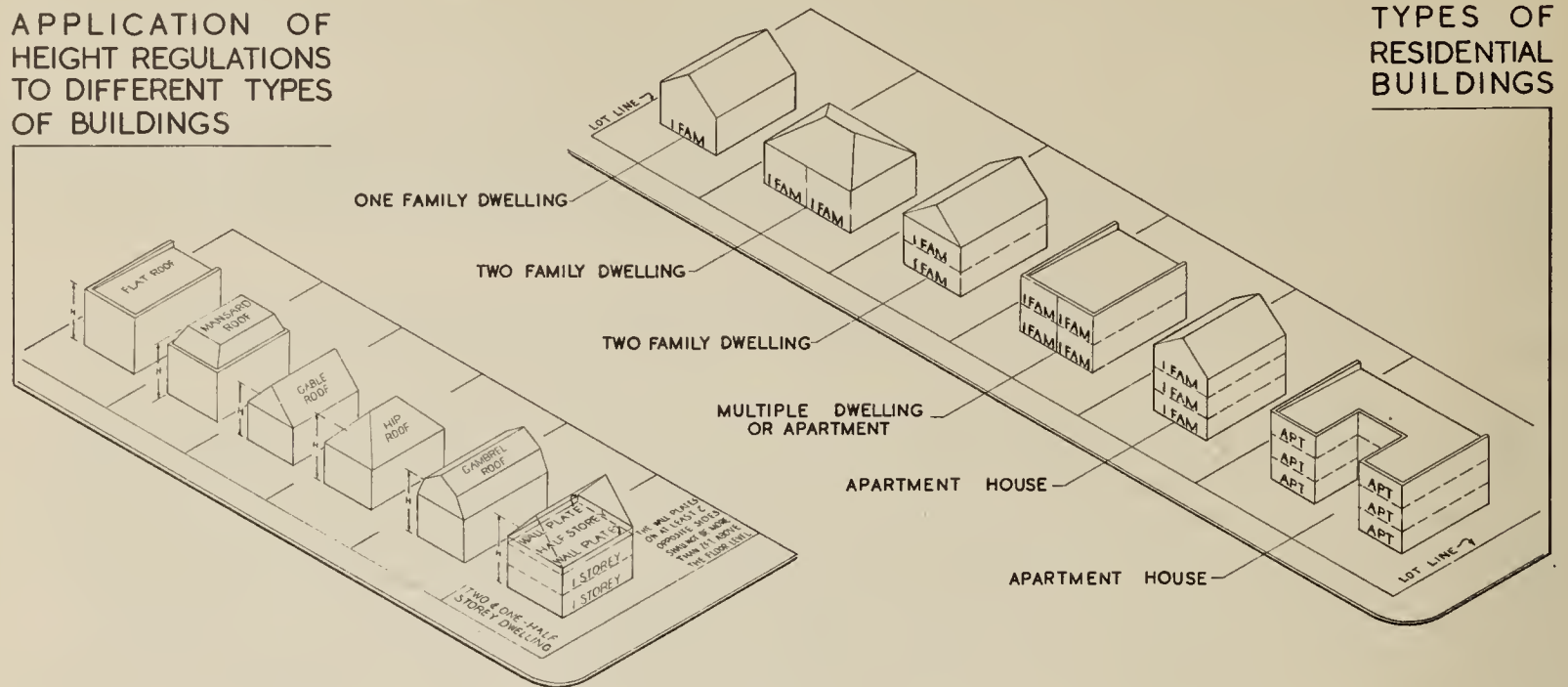
Agricultural Districts

The "A1" Agricultural District is applied in outlying areas, beyond the boundary of proposed urban and suburban development. It requires a lot area of not less than five (5) acres, and permits primarily agricultural uses.

Suburban Districts

The "RA" Suburban District, with a minimum lot area of one-half ($\frac{1}{2}$) acre, forms a transitional zone between five-acre agricultural development and residential development on city lots. It is applied in appropriate locations in the municipalities, but is not used in the City of Winnipeg. Uses permitted are the same as in the Agricultural District, but must meet different area requirements. The maximum building height recommended is two and one-half ($2\frac{1}{2}$) storeys or thirty-five (35) feet. Area requirements include front and rear yards of not less than twenty-five (25%) percent of the depth of the lot, but which need not exceed twenty-five (25) feet, and side yards on each side of the main building of not less than 10% of the width of the lot but which need not exceed five (5) feet.

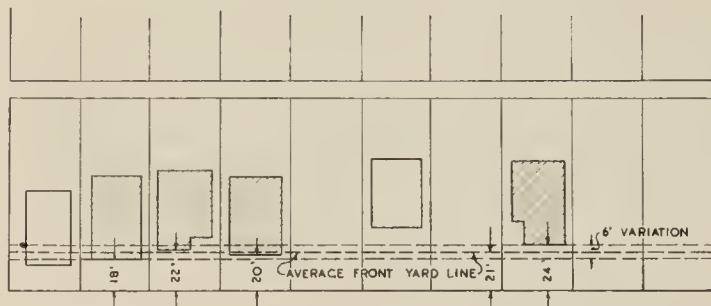
APPLICATION OF HEIGHT REGULATIONS TO DIFFERENT TYPES OF BUILDINGS



TYPES OF RESIDENTIAL BUILDINGS

FRONT YARD LINES FOR BUILT-UP PROPERTY

WHERE LOTS COMPRISING 40% OR MORE OF THE FRONTAGE ARE DEVELOPED WITH BUILDINGS HAVING AN AVERAGE FRONT YARD WITH A VARIATION OF NOT MORE THAN 6 FEET ALL NEW BUILDINGS MUST THEREAFTER CONFORM TO THE AVERAGE FRONT YARD LINE SO ESTABLISHED PROVIDED THAT NO FRONT YARD OF MORE THAN 50 FEET BE REQUIRED.

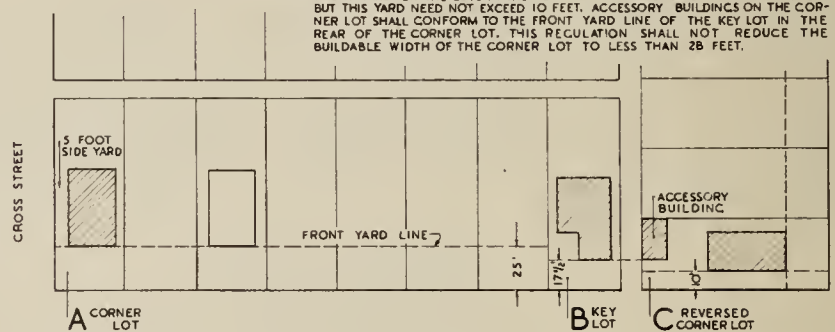


FRONT AND SIDE YARDS ON CORNER AND KEY LOTS

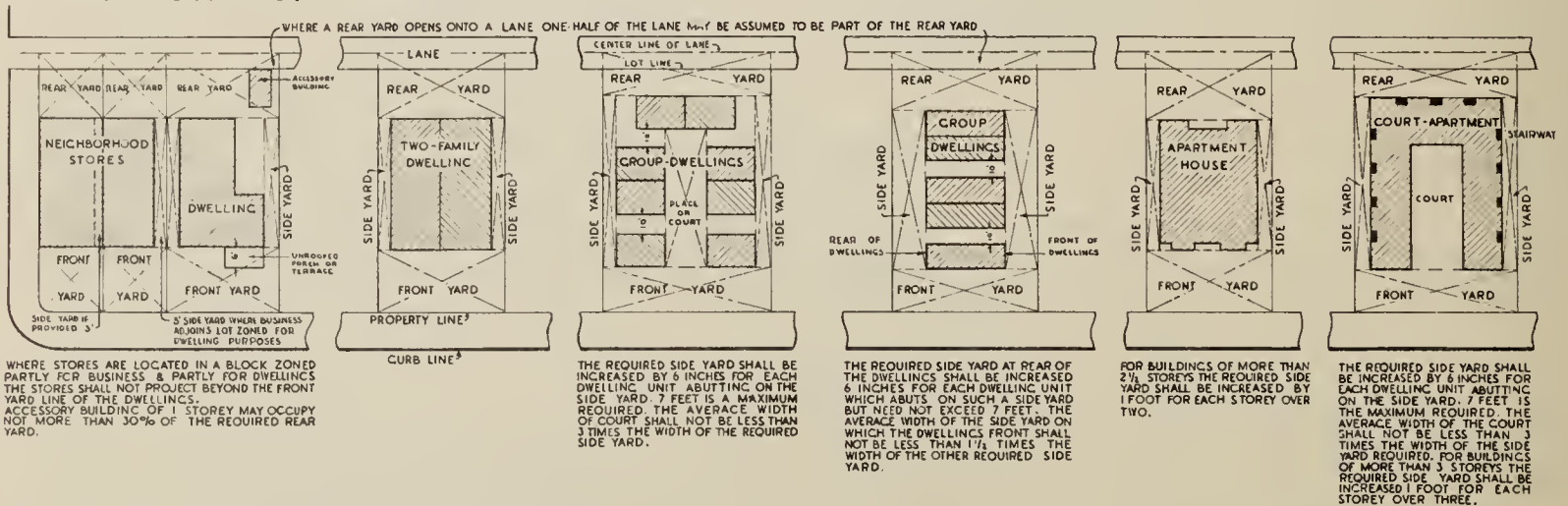
A THE SIDE YARD REGULATION SHALL APPLY TO THE STREET SIDE OF A CORNER LOT EXCEPT IN THE CASE OF REVERSED FRONTAGE.

B THE FRONT YARD OF A KEY LOT SHALL BE THE AVERAGE OF THE FRONT YARDS REQUIRED ON THE ADJACENT INTERIOR LOTS & THE REQUIRED SIDE YARD ON THE CORNER LOT.

C WHERE A CORNER LOT FACES AN INTERSECTING STREET THERE SHALL BE A SIDE YARD ON THE STREET SIDE OF THE CORNER LOT NOT LESS THAN ONE-HALF THE REQUIRED FRONT YARD ON THE LOTS IN THE REAR OF THE CORNER LOTS - EXCEPTING KEY LOT - BUT THIS YARD NEED NOT EXCEED 10 FEET. ACCESSORY BUILDINGS ON THE CORNER LOT SHALL CONFORM TO THE FRONT YARD LINE OF THE KEY LOT IN THE REAR OF THE CORNER LOT. THIS REGULATION SHALL NOT REDUCE THE BUILDABLE WIDTH OF THE CORNER LOT TO LESS THAN 28 FEET.



APPLICATION OF AREA REGULATIONS TO DIFFERENT TYPES OF BUILDINGS



APPLICATION OF ZONING REGULATIONS

METROPOLITAN PLAN GREATER WINNIPEG CANADA

ASSINIBOIA BROOKLANDS CHARLESWOOD EAST KILDONAN FORT CARRY ST BONIFACE ST JAMES ST VITAL TRANSCONA TUXEDO WEST KILDONAN WINNIPEG

METROPOLITAN PLANNING COMMITTEE AND WINNIPEG TOWN PLANNING COMMISSION

ERIC W THRIFT DIRECTOR TIME BUILDING WINNIPEG EARL O MILLS PLANNING CONSULTANT SAINT LOUIS MISSOURI USA

Residential Districts

There are four urban residential districts, ranging from the "R1" One-Family District to the "R4" six-storey Multiple-Family District.

"R1" District. The "R1" District permits only single family dwellings, such necessary community facilities or services as parks, playgrounds, community centres, golf courses, churches, schools, libraries, art galleries or museums, and accessory uses including a private garage. The minimum lot area recommended is 4400 square feet, with a minimum average lot width of 40 feet. There is an indication that this may be increased in some of the municipalities. Building height and front, side and rear yard regulations are the same as in the "RA" District. The "R1" District is located in several portions of the City of Winnipeg and in all the municipalities except Brooklands and Transcona.

"R2" District. The "R2" District permits one and two-family dwellings. The minimum lot area is recommended to be 4400 square feet or 2200 square feet per dwelling unit, with a minimum average lot width of 40 feet. Some municipalities may desire a higher minimum lot area and lot width. Height and yard requirements are the same as those in the "R1" District. A provision in Chapter XXI, Zoning Board - Adjustments, empowers the Zoning Board to permit in the "R2" District a multiple family use in an existing building, provided the lot area per dwelling unit is not less than 2000 square feet, and the proposed use conforms to the spirit and purpose of the by-law. Under "Conditional Uses", Chapter XX, the Municipality may permit garden apartments in the "R2" District, provided they have a minimum site of three (3) acres, occupy not more than twenty-five (25%) percent of the lot area, and comply with height and area regulations of the "R2" District. The Two-Family District is applied in parts of each city and municipality.

"R3" and "R4" Districts. The "R3" and "R4" Multiple Family Districts allow one-family, two-family and multiple-family dwellings, court apartments, boarding and lodging houses, hotels, fraternity or sorority houses, clubs, lodges and hospitals. It is recommended that building heights in the "R3" District be limited to three storeys or forty-five feet, and in the "R4" District to six storeys or seventy-five feet. Front yards are required of not less than twenty (20%) percent of the depth of the lot, but they need not exceed 20 feet. Rear yards shall not be less than 25% of the depth of the lot, but need not exceed 25 feet. Side yards in the "R3" District must be 10% of the width of the lot, but need not exceed 5 feet for 2½ storey buildings. For 3 storey buildings, an additional foot of side yard is required. For buildings over 3 storeys in the "R4" District, an additional foot of side yard is required for every additional storey above the third. The lot area requirements are a minimum of 4800 square feet, with a minimum lot width of 40 feet. The minimum lot area per dwelling unit is 800 square feet in the "R3" District and 400 square feet in the "R4" District.

"R3" Districts are generally applied in central areas or near major thoroughfares. "R4" Districts are limited in application, and appear only in the City of Winnipeg, near the Central Business District, since there is no demand for four to six storey apartments in the outlying areas.

Commercial Districts

There are three commercial districts provided, in addition to the "CM" Business District.

"C1" District. The "C1" Limited Commercial District is designed for use in residential areas to provide local services to the immediate neighborhood. Recommended height limitations are the same as those in the "R1" District, that is 2½ storeys or 35 feet. Front and rear yard requirements are the same as those in the "R1" District. Where the side of a lot in the "C1" District adjoins a lot in the "R" District, the side yards required are the same as those in the "R" District. The "C1" District appears at regular intervals throughout proposed one and two-family residential areas. The extent of such commercial zoning is sufficient to serve the estimated future population of residential areas, the relation of proposed commercial frontage to future population being somewhat greater than

that of present commercially used frontage to present population.

"C2" and "C3" Districts. The "C2" and "C3" Commercial Districts allow wider commercial uses and are the first districts to permit advertising signs and billboards. The uses recommended for the two Districts are the same, the difference lying in the height regulations, which permit a maximum building height of three storeys or 35 feet in the "C2" District, and six storeys or 75 feet in the "C3" District. Area regulations are similar, with no front yards required, and no side yards required unless the lot adjoins a lot in a residential district. In such a case, 10% of the width of the lot is required for side yards, which need not exceed five feet, but must be a minimum of three feet. Rear yards are required of not less than 25% of the depth of the lot, but need not exceed 25 feet for interior lots, 15 feet for corner lots, or 10 feet where the rear of a lot adjoins a lot in a commercial or industrial district. Application of the "C2" and "C3" Districts is related to location of the "R3" and "R4" Districts, respectively, so that the height of buildings will show uniformity even though the uses may be different.

"CM" District. The "CM" Business District covers only the downtown business district, allowing commercial uses on all floors and "M1" Light industrial uses on all except the main floor. It is recommended that the height of a building at the street line be limited to one and one-half ($1\frac{1}{2}$) times the width of the street, but the height may be increased three feet for each one foot of set-back from the lot lines, provided the cubical contents do not exceed that of a prism with a base equal to the area of the lot and a height of 150 feet. In practice, this means that a building fronting on a typical downtown street of 66 feet and built out to the street line may be built to a maximum height of 99 feet. If it is set back five feet from the street line, however, it may be increased in height by fifteen feet, to 114 feet, provided it meets the requirement regarding cubical contents. Yards are not required in the "CM" District.

Industrial Districts

There are three industrial districts, ranging from the "M1" Light Industrial to the "M3" Heavy Industrial.

"M1" District. The "M1" Light Industrial District permits certain light industrial uses conducted within a completely enclosed building, and other specified uses conducted within an enclosed building or within an area enclosed with a solid wall, a thick hedge or a board fence not less than six feet in height. Buildings are limited to three storeys or 45 feet in height. Yards are not required except when a lot adjoins a lot in a residential district. The "M1" District is used to provide buffer strips or areas between other industrial districts and residential districts, and along thoroughfares to provide a better appearance than heavier industrial uses.

"M2" District. The "M2" District permits any use except those first permitted in the "M3" District, or uses which are obnoxious by reason of odor, dust, smoke, vibration or the like. The maximum height of a building is limited to 150 feet, with the portion of the structure exceeding 100 feet set back at least one foot for each four feet above 100 feet. That is, for a building 112 feet in height, the top twelve feet must be set back at least three feet. No yards are required unless the lot abuts upon a lot in a residential district. The "M2" District is applied in all areas where light manufacturing, warehousing and similar uses are considered to be the most suitable type of development.

"M3" District. The "M3" District permits certain uses which may be offensive due to gas, noise, dust or other reasons, only if they are located at least 500 feet from a more restricted district. These include acid manufacture, automobile wrecking, explosive manufacture or storage, stock yards, and tannery or storage of raw hides. Other uses, including flour and feed mills, foundries, paint, oil or varnish manufacturing, freight yards and railway repair shops, are permitted anywhere in the "M3" District. Residential uses are not permitted. Height regulations are the same as those in the "M2" District and no yards are required. The "M3" District has been applied extensively throughout the metropolitan area, the largest heavy industrial areas being located around the C.P.R. Weston yards, the C.N.R. Fort Rouge yards, the Point Douglas area, St. Boniface area about the stock yards and Transcona around the C.N.R. yards.

Highlights of Special Provisions

Special provisions are included in the by-law under "General Provisions", "Exceptions", "Non-Conforming Buildings and Uses", and "Conditional Uses". Some of these call for special comment due to their general interest and wide application. Illustrations of the effect of some of these regulations appear in Plate 3.

Public Utilities and Railways. It is essential that the continued provision of service to the public by railways and public utilities shall not be hampered by any provisions of the zoning by-law. All existing developments, however, are not necessarily well located in relation to over-all development of the metropolitan area. For instance, some railway lines provide little service in comparison with the disturbance which they create in residential areas. Moreover, certain uses of property by public utilities, while essential at the present time, may not be desirable in the particular area where they are located.

In order to provide for the most appropriate type of future development, some proposed residential districts include property owned and developed by the public utilities and railways. Such residential zoning will ensure that the property will not be used for commercial or industrial purposes, should the railway or utility decide at some future date that its use of the property is no longer necessary. At the same time, construction, maintenance and operation of existing facilities by the public utilities and railways, on properties where such uses were established at the time of passage of the zoning by-law, is provided for under a special clause in the chapter covering "General Provisions".

Automobile Parking Space. With the ever increasing trend to car ownership, the need for provision of off-street parking space is of utmost importance, if future traffic and parking congestion is to be avoided. A clause under "General Provisions" requires at least one permanently maintained parking space for each new dwelling unit. Outside the central business district, parking space requirements for buildings other than dwellings vary according to the type of building. Assembly places, such as auditoriums, theatres and stadiums, require one parking space for every ten seats provided. Hospitals require one space for every 1000 square feet of floor area. Hotels and apartments require one space for each of the first twenty suites, one additional parking space for every four suites from 20 to 40, and one additional parking space for every six suites in excess of forty. Tourist courts require one space for each living unit. Commercial buildings containing over 3000 square feet of floor area must provide one parking space for every 500 square feet of gross floor area.

The original provision in the draft by-law applied these parking space requirements in all areas, including the central business district. The Winnipeg Town Planning Commission was aware of the urgent need for parking space in the central business district, but felt that new commercial building in the downtown area would be discouraged, due to the difficulty of competing successfully with established business, if required to provide such additional space for parking. The Commission therefore decided to apply the parking requirements outside the central business district, and to recommend the establishment of a Parking Authority to deal with adequate provision of coordinated off-street parking space within the central business area.

Yards for Public Buildings. In order to provide for desirable development of schools, churches, hospitals and the like, in residential areas, a clause under "General Provisions" requires more extensive side yards for such buildings than for residential dwellings. This provision will eliminate repetition of such undesirable developments as hospitals and churches built to the street and lot lines, thus blocking light and air from adjacent buildings. It will also provide space for landscaping on such properties, which have often been too small to allow attractive development.

Side yards for schools, hospitals, sanitariums and institutions must be at least four times the width of the side yards in the district in which the buildings are located. Side yards for churches, parish halls, libraries, art galleries, museums, private clubs, lodges, and fraternity or sorority houses must be at least three times the width of the side yards required for dwellings in the district in which they are located.

Signs and billboards destroy the value of an area for homes.



Excessive parking, heavy traffic and transit produce congestion and hazards on narrow residential streets.



Small stores covered with signs and without set-back from the street spoil the appearance of a residential street.



Crowded buildings, lack of height relationship and mixture of uses produce undesirable development.

A commercial use in a house in a residential area is just as objectionable as it is in a store building.



PLATE 3.

LOCAL CONDITIONS AFFECTED BY ZONING

Industrial establishments in residential areas create noise, attract heavy traffic and depreciate the value of adjacent property.



These houses were built to the sidewalk. There is no front yard.



These houses have a good setback and room for planting.



Mere walking space between houses provides little room for adequate light and air to side windows.



Improperly related building heights and no side yards put the smaller building in the dark much of the day.

Good side yards help to make better homes with room for light and air.



Crowding of apartments to the lot lines creates unhealthy and unsightly conditions and leaves no place but the street for children.



This apartment set back from the street provides space for lawn and hedge.

Building Alignments. Certain minimum front yards are desirable in order that dwellings will not be built out to the street line. The specific minimum set-back of dwellings should be fixed for each street, so that builders will be able to ascertain quickly the regulations applying to any lot. The set-backs are usually imposed by building alignment by-laws, which are already in force in some parts of Greater Winnipeg. A clause under "Exceptions" provides that in some instances existing building alignments shall prevail. Parts of a building which may project into yards are detailed in a clause under "Exceptions".

Removal of Non-Conforming Buildings. Zoning provides a guide for future development, but does not in itself change the development of the past to conform with the new regulations. This means that objectionable commercial or industrial establishments which are located in residential districts may remain as non-conforming uses, unless some provision is made for their removal within a reasonable period of time. A clause has therefore been included under "Non-Conforming Buildings and Uses", whereby such non-conforming buildings may be removed as a local improvement. This provision carries the recommendation that the Municipal Council have power to initiate proceedings for removal of a non-conforming building after a report by the Town Planning Commission and after public notice and hearings. It may acquire and remove the building, and assess the cost against all properties deemed to be benefited by such removal.

The originally proposed clause required removal of non-conforming buildings within a specified period of years, depending upon the type of construction and based upon the useful life of the building. While such a procedure has been followed in the United States, it was deemed to be 'condemnation without compensation', and therefore in conflict with British practice. The power to initiate removal proceedings was therefore given to the municipality, instead of making such removal compulsory in all cases.

Conditional Uses. Developments which occupy large areas of land, such as airports, cemeteries and large-scale housing projects, or installations such as public utilities, which are required to provide essential services, may in some instances be necessary or desirable in residential districts. The Municipal Council is therefore empowered, after a public hearing, to permit certain specified uses in any district from which they are prohibited or in particular districts as specified.

Zoning Map—Application of Regulations

The application of the appropriate residential, commercial and industrial zoning districts in the cities and municipalities of the metropolitan area provides for coordinated development of Greater Winnipeg. Districts at the boundary of one municipality are related to those in the adjoining municipality and residential districts often extend across municipal limits. An attempt has been made to meet the requirements of each municipal area, while maintaining proper integration of metropolitan area proposals. No proposals can be called perfect, but it is felt that the proposed zoning by-law and map constitute vastly improved control over future development in the metropolitan area of Greater Winnipeg. The proposed Zoning District Map appears in Plate 4.

The zoning plan for metropolitan Winnipeg was originally designed to provide a balanced relationship among the areas allocated for various types of use. In the process of study and revision there have been increases in commercial and industrial zones, which is a common occurrence in the development of zoning plans throughout this continent. It has always been difficult to establish the extent of the commercial and industrial zones on the basis of the area required to serve the needs of the population for service and employment. To do so would probably entail the zoning of areas, in which scattered industry or commerce exists, for some other use, with the resultant problems of restriction of development and the like. The area of industrial zones relative to optimistic future population estimates is proportionately as large or larger than that used by the most heavily industrialized cities on this continent. In view of the considered opinions expressed in the recently issued Donald report on Industry in Manitoba, this may be excessive, and revision downward in the future may be found to be desirable in order to achieve a better metropolitan development.

Assiniboia. The Municipality of Assiniboia has at present extensive areas used for agriculture, with little urban development. It is proposed that urban and suburban development be concentrated in the south-eastern portion of the municipality, with the rest of the area zoned for "A1" Agricultural development. The Headingly area, near the western boundary of the municipality, will require special zoning for other than "A1" uses, which may be added as an amendment to these proposals.

The proposed zoning for Assiniboia includes five districts - the "A1", "RA", "R1", "R2" and "C1". Portage Avenue frontage extending west from the St. James - Assiniboia boundary is proposed for "R2" uses, with one small "C1" Limited Commercial District to serve the area. The proposed "R1" District for single-family homes covers a small area north of Portage Avenue, and also extends from the Portage Avenue frontage south to the northern boundary of the St. Charles Country Club and a line extended west from it. West of the Country Club is the proposed "RA" District, which is also applied north of the proposed "R1" District north of Portage Avenue, permitting suburban development with minimum lots of one-half ($\frac{1}{2}$) acre. No provision is made for industrial areas.

Brooklands. The zoning for Brooklands includes four of the proposed districts - "RA", "R2", "C1" and "M2". The western and northern portions of Brooklands are proposed for "RA" Suburban development. The proposed zoning is designed to guide urban development into the south-eastern portion of the Village, which has been zoned as an "R2" District. Small "C1" Limited Commercial Districts are provided to serve the residential areas, with two islands which are located on the eastern boundary, forming part of commercial islands in the City of Winnipeg. The "M2" Light Industrial District in Winnipeg is carried across the railway tracks into Brooklands, providing an "M2" strip along the eastern boundary, north of the C.P.R. Main Line.

Charleswood. In addition to the proposed agricultural and suburban districts in Charleswood, three urban districts are proposed - "R1", "C1" and "M2". The "A1" District covers all except the north-east section of the municipality. The "RA" Suburban District extends south from the "R1" District to the C.N.R. line and west past Charleswood Road. The proposed "R1" District follows Roblin Boulevard westward from the Charleswood - Tuxedo boundary, extending to the Assiniboine River. Small "C1" islands are located on Roblin Boulevard to serve the commercial needs of the area. The small "M2" District lies immediately south of the "RA" District, at the junction of the C.N.R. lines, with a portion of it extending across the municipal boundary into Tuxedo.

East Kildonan. Proposed zoning in East Kildonan includes seven districts - the "RA", "R1", "R2" and "C1" and the three industrial districts "M1", "M2" and "M3". The proposed "RA" Suburban District occupies a large area adjoining the northern and eastern boundaries of the municipality. The area from the Red River to the frontage on Henderson Highway is proposed for "R1" single family homes, as is an area east of the C.P.R. track, in the southern part of the municipality. An extensive area for "R2" two family development lies east of Henderson Highway. Commercial districts are located on Henderson Highway, on Watt Street, and in the "R1" area to the east, to provide necessary commercial service. A small area just west of the C.P.R. line, at the southern municipal boundary, is zoned "M2" for light industry, and the property immediately north is zoned "M3" for heavy industry. Buffer strips of "M1" and "M2" light industrial districts border the "M3" District.

Fort Garry. The area proposed for urban and suburban development in Fort Garry lies in the north-eastern corner, covering a comparatively small portion of the municipality. Eight zoning districts are proposed - "A1", "RA", "R1", "R2", "C1", "C2", "M1" and "M2". The proposed Agricultural District covers the western and southern portion. The zoning of St. Norbert, lying near the southern boundary of Fort Garry and presently included in the "A1" District, will require special zoning, which may be embodied in an amendment to the Zoning by-law. The proposed "R1" District lies south of the Fort Garry - Winnipeg boundary, between the Red River and Pembina Highway, covering the Wildwood area and the property within the next southerly loop formed by the Red River. A small area west of the Pembina Highway frontage is also proposed as "R1", beyond which lies a large "RA" Suburban District, reaching west to the boundary of the municipality.

Small commercial areas of both "C1" and "C2" Districts are provided on Pembina Highway. A narrow strip between the highway and the Canadian National railway is zoned

"M1", and a small "M2" area is provided on Pembina at the boundary of the municipality, as an extension of the "M2" District around the C.N.R. yards in the City of Winnipeg. Another "M2" District extends westward from the C.N.R., including the present sugar beet plant development.

St. Boniface. Zoning proposals for St. Boniface include nine districts - "A1", "RA", "R1", "R2", "R3", "C1", "C2", "M2" and "M3". The City of St. Boniface encourages the establishment of industry within its boundaries, and an extensive area has been zoned as an "M3" District, for heavy industrial use. This includes the property presently occupied by the stock yards. Buffer areas of "M2" zoning for light industrial use border the "M3" District. An "M2" District is also provided around Whittier Park.

The proposed Agricultural District lies in the southern and eastern part of St. Boniface. Suburban development is proposed in the south in an area east of the Seine River, beyond the Windsor Park and Niakwa Golf Courses, and in the extreme north-east between Dugald Road and the City Limits.

Residential zoning provides areas for single family, two family and multiple family development. The "R1" District covers most of the area west of the St. Mary's Road frontage in Norwood. An "R2" District extends south of the Marion Street frontage to the City Limit and the St. Boniface Golf Course. "R3" Districts allowing three-storey apartments appear on St. Mary's Road and in a large area north of Marion Street. "C1" and "C2" Commercial Districts, located to serve the needs of the area, appear on St. Mary's Road, Marion Street, Rue Des Meurons, Provencher Avenue, Rue Plinquet and Mission Street.

St. James. Seven proposed zoning districts appear in St. James - "A1", "RA", "R1", "R2", "C1", "M1" and "M2". Agricultural development is proposed in an area in the north-west portion of the municipality, bounded on the east by the airport and on the south by Ness Avenue. In the north-east, the "RA" and "R2" Districts in Brooklands are extended south into St. James.

East of the airport and north of Ellice to beyond Saskatchewan Avenue lies a proposed "M2" Light Industrial District. The property adjacent to the railway line and the St. James - Winnipeg boundary is zoned for "M2" and "M1" uses south to Portage Avenue.

All the southern portion of St. James, except the frontage on Portage Avenue, is proposed as an "R1" District for single-family homes. Provision is made along Portage Avenue for "R2" development and for "C1" Limited Commercial Districts. Apartments may be located in the "C1" Limited Commercial Districts, since such uses are permitted in the "R3" District, which is more restricted than the "C1" District.

St. Vital. Eight zoning districts are provided in St. Vital - "A1", "RA", "R1", "R2", "R3", "C1", "C2" and "M1". Proposals are largely for future residential development, with a small "M1" area provided for industry south of the King George Park site. The most northerly part of the municipality is proposed as an "R2" two-family district. The single-family district lies west of St. Anne's Road, extending to the Red River. Frontage on St. Mary's Road and on St. Anne's Road provides "R2" and "R3" residential districts and "C1" and "C2" commercial districts. The "C2" District covers the frontage at the junction of the two thoroughfares and extends northward for several blocks.

Suburban development is proposed in an "RA" District lying between the Red and Seine Rivers and extending south to Vista Avenue from the southern boundary of St. Vital Park and a line extended westward from it. This "RA" area extends northward between St. Anne's Road and the Seine River to the proposed "M1" area. The property across the Seine River from the Windsor Golf Course is also zoned "RA". The "A1" Agricultural District includes over half the municipality, extending from Vista Avenue south to the municipal boundary.

Transcona. Seven zoning districts appear in the zoning for Transcona - "A1", "RA", "R2", "R3", "C2", "M1" and "M3". Transcona is often referred to as the 'railway town', as a large number of residents are employed at the C.N.R. yards. The yards are included in an extensive "M3" District for heavy industrial use, which is bordered with a buffer strip of "M1" Light Industrial Zoning.

Proposed residential areas north of the railway are largely zoned "R2" for two-family use, with two small "R3" districts. One "C2" District is provided to serve the commercial requirements of the Town. An "RA" District surrounds the proposed urban area, extending to the eastern, northern and western boundaries of the town. In the south, an "A1" Agricultural District lies south of the "RA" Suburban District.

Tuxedo. Zoning in the town of Tuxedo provides for its future development for single family homes in a large part of the area north of the C.N.R. line. One city block is proposed as a "C1" Commercial District to serve the eastern portion of the town. The urban area west of Assiniboine Park and Tuxedo Golf Course should be served by nearby commercial development in Charleswood.

A limited area adjacent to the C.N.R. line and the western boundary is zoned for suburban development. South of this lies the proposed Agricultural District. No provision is made for industry apart from an area zoned "M3" at Fort Whyte, near the Fort Garry - Tuxedo boundary, where the cement works is located. The five aforementioned districts - "A1", "RA", "R1", "C1" and "M3" complete the zoning in Tuxedo.

West Kildonan. Zoning districts proposed in West Kildonan include the "RA", "R1", "R2", "R3", "C1", "C2" and "M1". The Suburban District covers the western and northern portion of the municipality. An "M1" District is provided west of the C.P.R. Winnipeg Beach line, between Hartford and Jefferson Avenues and farther north beyond Kildonan Avenue, and along the Partridge Avenue frontage east to Main Street.

Residential development is proposed in an "R2" Two-Family District from the Main Street frontage west to the railway, and in an "R1" Single-Family District from the Main Street frontage east to the Red River. The "R1" District extends north to Kildonan Park, providing attractive river lots where development is presently proceeding. Main Street frontage provides "R3" Districts for multiple family uses and "C2" Districts for commercial uses. The only other commercial area provided in the municipality is a small "C1" island on McGregor Street.

Winnipeg. Eleven zoning districts are proposed for the City of Winnipeg, including four residential, three commercial, three industrial and the central business districts. There are no areas in the city zoned for suburban or agricultural development.

The "CM" Business District is applied only in the downtown area where buildings are permitted in which commercial uses may be operated on the main floor and light industrial uses on other floors.

Other districts applied only in the City of Winnipeg are the "R4" Multiple Family District and the "C3" Commercial District. In the recommendations, these differ from "R3" and "C2", respectively, only in the height and lot area regulations, which permit buildings up to six storeys in height if at least 400 square feet per dwelling unit is provided. There is a need for such districts only in the central area of Greater Winnipeg. The proposed "R4" District extends west of the "CM" Business District to the west frontage on Sherbrook, between Notre Dame and Broadway, and also appears in the area east of the Legislative Building, from York south to the river. "C3" Districts are located on the thorofares in these areas.

Extensive single family areas are located in the north-western portion of Winnipeg, the south-eastern area, including River Heights and Crescentwood, and smaller areas, such as Riverview, an area north of Portage near the western boundary, Armstrong's Point, and an extension south from the "R1" District in West Kildonan, between the Main Street frontage and the Red River.

Areas for two-family development appear in North Winnipeg, Elmwood, north of Portage between Goulding and Arlington, south of Portage from Walnut Street west, and in Fort Rouge.

"R3" Multiple Family Districts, permitting three storey apartments, are located in central areas or on thorofares. They cover a large section between Main Street and the Old Exhibition Grounds; a section east of Main Street to the Red River, from Redwood south

to the industrial area; a section north of Notre Dame between McPhillips and Ellen; a section south of Notre Dame to Portage Avenue, between Home and Maryland Streets; a section south of Portage Avenue around St. James Park and extending from the "C3" frontage on Broadway south to Cornish Avenue, between Balmoral Place and the "R2" frontage on Walnut Street; and a section south of the Assiniboine River to the industrial area between Main and Osborne Streets. Smaller "R3" Districts appear on some of the thoroughfares. The location of "R4" Districts has already been outlined.

Provision for commercial development is made in "C3" Districts in the central area, in "C2" Districts on major streets, and in "C1" Limited Commercial islands at reasonable intervals where required to serve residential neighborhood needs.

Zoning for industry includes extensive heavy industrial areas around and including the railway yards and shops, extensive "M2" Light Industrial areas, and limited areas of "M1" Light Industry. "M3" Districts appear at the western City Limit; in and adjacent to the C.P.R. yards; in Point Douglas; in Elmwood; behind the C.N.R. station; and in the C.N.R. Fort Rouge yards. "M2" Light Industrial areas connect all the "M3" areas, and in some cases provide a buffer between heavy industry and residential development. A large "M2" area extends from the "CM" Business District north on both sides of Main Street. The south-west extension of the Fort Rouge yards is also zoned "M2", which does not restrict railway development due to the covering railway and utility clause, but does not allow establishment of heavy industry. "M1" Districts apply primarily from Ellice south to Portage, adjoining the Midland railway line, south of Richard to Portage, adjoining the C.P.R. railway spur line, on Selkirk Avenue from McGregor to Main Street, on Main from Burrows to Dufferin, on Osborne from Corydon to Glasgow, and on the east side of Pembina from Corydon and Osborne to the City Limit.

Review and Approval of Zoning Proposals

After preparation of the Preliminary Draft Zoning By-law by the Consultant, and of the Tentative District Map by the Consultant and Director, the proposals were referred, in October 1945, to the Citizen Advisory Committee on Zoning, for consideration and suggestion. This Committee, which was appointed by the Joint Executive Committee from names submitted by a number of interested organizations, held seventeen (17) meetings under the chairmanship of Mr. W. E. Baxter. Names of the members of the Committee are listed at the front of this report.

The proposals were also reviewed by the Municipal Planning Commissions and Councils of Greater Winnipeg. Due to changes in Council membership in January 1946, some municipal councils felt they were not sufficiently familiar with the proposals to approve them without further study. At the request of the Metropolitan Planning Committee, small maps showing present and proposed zoning were prepared and forwarded to members of the municipal councils in April 1946, together with a summary of Tentative Zoning Regulations, for review by Councils and Town Planning Commissions. These were not supplied to the Winnipeg City Council, as the Winnipeg Town Planning Commission was reviewing the proposals from maps available in the Planning Office. After reviewing the proposals with the Director, the municipalities approved their release, with revisions in some instances, for purposes of public discussion.

The Citizen Advisory Committee on Zoning completed its study of the Tentative District Map and By-law in March 1946, when its recommendations were reviewed with the Planning Consultant and forwarded to the Joint Executive Committee. A Revised Draft By-law, which was prepared in May 1946, embodying many of the Citizen Advisory Committee suggestions, was sent to each City and Municipal Council.

The Tentative District Map and summary of regulations was released in the press in June 1946, and was followed at intervals by proposed zoning maps of the individual municipalities.

Two thousand (2,000) copies of the Proposed District Map and Zoning By-law were

GREATER WINNIPEG

ASSINIBOIA BROOKLANDS CHARLESWOOD EAST KILDONAN FORT GARRY ST. BONACE
ST. JAMES ST. VITAL TRANSCONA TUXEDO WEST KILDONAN WINNIPEG

MANITOBA CANADA

METROPOLITAN PLANNING COMMITTEE
AND
WINNIPEG TOWN PLANNING COMMISSION

ERIC W. THRIFT - DIRECTOR
TIME BUILDING - WINNIPEG

EARL O. MILLS - CONSULTANT
SAINT LOUIS - MISSOURI U.S.A.

PROPOSED DISTRICT MAP

LEGEND AND SUMMARY OF ZONING REGULATIONS

STREETS, METERS	FEET	HEIGHT	FRONT YARD SETBACK	REAR YARD SETBACK	MIN. LOT AREA	MIN. LOT FRONT	MIN. LOT DEPTH
A1	ADJUTANT - USES PERMITTED IN R1	21	35	50	10	25	5+1/2
RA	ADJUTANT - USES PERMITTED IN R1	21	35	25	5	25	5+1/2
R1	ONE FAMILY - USES PERMITTED IN R1	21	35	25	5	25	4,400
R2	TWO FAMILY - USES PERMITTED IN R1	21	35	25	5	25	2,200
R3	MULTIPLE FAMILY - USES PERMITTED IN R1	3	45	25	5+1/2	25	800
R4	MULTIPLE FAMILY - USES PERMITTED IN R1	6	75	25	5+1/2	25	400
C1	LIMITED COMMERCIAL - USES PERMITTED IN R1	2	35	25	5+1/2	25	2,200
C2	COMMERCIAL - USES PERMITTED IN R1	3	45	25	5+1/2	25	800
C3	COMMERCIAL - USES PERMITTED IN R1	6	75	25	5+1/2	25	400
M1	BUSINESS DISTRICT - USES PERMITTED IN R1	3	45	25	5+1/2	25	400
M2	LIGHT INDUSTRIAL - USES PERMITTED IN R1	8	100	25	5+1/2	25	800
M3	HEAVY INDUSTRIAL - USES PERMITTED IN R1	8	100	25	5+1/2	25	400

LOW-HIGH DISTRICTS AND ALL THE MAP BORDER LINES TO THE MUNICIPAL LIMITS

printed in August 1946, in order to make the proposals available for public discussion. The purposes of the proposals were outlined by the Winnipeg Town Planning Commission at an informal meeting of the City Council and the Commission on September 5, 1946. Proposals were presented by the Metropolitan Planning Committee to a joint meeting of the Municipal Councils on September 12, 1946. The revised District Map was published in the press at that time.

Public meetings in each ward in Winnipeg were arranged during the latter part of September by aldermen members of the Winnipeg Town Planning Commission. At these meetings, the Director presented the zoning proposals, explained their development, using kodachrome slides of maps recording existing development and proposed zoning, and answered questions. Copies of the Draft By-law and Map were distributed to interested organizations and were made available at the public meetings, the Metropolitan Plan office, the City Survey office, the City Clerk's office and the fire stations. The Winnipeg Town Planning Commission advertised a Public Hearing, which was held in the Council Chamber of the City Hall on October 11, 1946, to afford all interested citizens an opportunity to present suggestions to the Commission. This was the sixteenth meeting of the Commission devoted to consideration of the zoning regulations.

The Commission then reviewed all suggestions and objections regarding the proposed zoning, holding twenty additional meetings for this purpose. Written requests for revisions in the proposed zoning by-law or map were received from eighty-eight (88) citizens and organizations. Fifty-eight (58) of these suggestions were concerned with only five (5) areas in the city. Seven (7) were from utilities, railways and such organizations as the Board of Trade and the Industrial Development Board. The remainder of the suggestions covered a wide range of locations and uses. Review of these suggestions was completed in April 1947, and all written requests were answered, advising the decision of the Commission and the reasons therefor, which would form the basis of the recommendations of the Commission to Council with respect to the particular zoning problem concerned.

By-laws and maps were produced in April 1947, embodying all revisions made by the Commission. These were forwarded to the City Clerk for distribution to Council, after which the Commission presented its recommendations to the Finance Committee of the City Council, on April 11, 1947. Finance Committee referred the proposals to a committee of city Department Heads, whose findings were reviewed by the Commission. After making its decisions on the questions raised, the Commission returned the zoning by-law to the committee of Department Heads for final drafting in cooperation with the Director of the Metropolitan Plan.

After release for public review in September 1946, zoning proposals for other parts of the metropolitan area were discussed at public meetings in Brooklands, Charleswood, East Kildonan and St. Vital, and with Councils or Town Planning Commissions in Fort Garry, St. Boniface, St. James, St. Vital, Tuxedo and West Kildonan. Town Planning Committees in St. Vital and in West Kildonan held several meetings to review the zoning proposals.

Since revisions in the by-law by the Winnipeg Town Planning Commission were likely to be useful to the municipalities, sufficient copies were produced to supply each municipal council. Charleswood reviewed the proposals at several Council meetings during April and May, in an effort to decide on the proposals and to put the zoning into effect as soon as possible. The Fort Garry Council reviewed the proposed zoning and recorded all suggestions for revision. St. Vital proposals were reviewed by the Town Planning Committee and by Council, and agreement was reached on the proposed zoning for the municipality.

ADOPTION AND ADMINISTRATION

The zoning proposals were prepared with the object of providing a uniform guide for physical development throughout the metropolitan area of Greater Winnipeg, regardless of political boundaries. To achieve this end, the most desirable and direct procedure for adoption and enforcement would be for each city and municipality to approve its zoning regulations under the same, or essentially equivalent, legislation. Proposed changes in any locality should meet the same requirements before receiving approval, if each municipality is to benefit to the full from the protection offered by zoning.

There are certain practical difficulties, however, due among other things to the large number of cities and municipalities concerned, the operation of the two cities under powers provided in their charters and of the municipalities under provincial legislation, and the varying status of existing municipal Town Planning Schemes and zoning regulations. The proposed zoning scheme may be adopted (a) under the Municipal Act in the case of the municipalities, or the City Charter in the case of the cities; (b) under the Town Planning Act; or (c) under special legislation covering the Greater Winnipeg area. The possibilities and relative advantages of each of these methods are reviewed below.

Municipal Act

Adoption of zoning under the Municipal Act, by the municipalities, may be accomplished quickly by a by-law of the Municipal Council, provided the municipality is not already operating under the Town Planning Act. The by-law could be passed immediately by Council, although the Council might wish to delay third reading in order to allow time for citizen review of the zoning proposals. Detailed maps are required showing the boundaries of the various zoning districts in relation to property boundaries. The cities of Winnipeg and St. Boniface could use a similar procedure under provisions in their City Charters. Changes and amendments could be made by by-law in the same fashion as original adoption of the scheme.

The danger in this procedure lies in the possibility of political pressure on Council gradually forcing changes in the zoning until, after a period of years and with changing Councils, the plan bears little resemblance to the scheme worked out to provide for appropriate physical development of the municipality. Moreover, since municipalities presently operating under the Town Planning Act must approve their new zoning scheme as an amendment to their existing Town Planning Scheme, permanent operation by the other municipalities under the Municipal Act as enabling legislation would fail to provide uniformity of operation throughout the metropolitan area. This would be particularly true with respect to changes, which could be made by a by-law of Council under the Municipal Act, but would require public hearings and approval by the Minister under the Town Planning Act.

Town Planning Act

Due to the metropolitan nature of the zoning scheme and the possibility that individual action by one municipality may adversely affect development in an adjacent municipal area, adoption under the Town Planning Act has definite advantages, since an adopted plan can not be changed without approval of the Minister.

Initial adoption of a scheme requires public hearings, approval by by-law of the municipality, and submission to the Minister, with maps showing zoning district boundaries in relation to property boundaries. The time required from initiation of action until final approval is about three months. The same procedure, including public hearings, is

required to make changes or amendments, thus relieving the Council from pressure for change and putting the final decision in the hands of the Minister. By making the process of change a slow procedure, the possibility of undesirable, hastily conceived changes is considerably lessened, thereby enhancing the probability of maintaining a sound scheme.

The Act provides for submission of a joint scheme if so desired. However, the difficulties of a joint submission would be many, due to the fact that municipalities with a Town Planning Scheme would have to submit their proposals as amendments to the existing scheme, while other municipalities would submit proposals as a new scheme.

Adoption by each municipality of its respective portion of the metropolitan zoning scheme also involves certain complications. Since the two cities, Winnipeg and St. Boniface, operate under their City Charters, they would not be bound by the same legislation as the municipalities. Changes in the zoning of the two cities could be made more easily and more quickly than changes in municipal schemes. Such an arrangement would not be altogether satisfactory in the operation of a metropolitan zoning scheme.

Special Legislation

Since existing legislation does not provide appropriate powers under which the metropolitan plan can operate successfully, the desirable and necessary features of suitable enabling legislation covering the Greater Winnipeg area should be investigated.

Special legislation would have the very definite advantage of enabling all the cities and municipalities in the Greater Winnipeg area to operate under the same legislation, with uniform control of changes and amendments to the approved scheme, providing an opportunity for study and discussion of any proposed change before approval or disapproval. It could also provide a Metropolitan Planning body, with representation from each city and municipality, which would act as an advisory or official body, whichever was deemed desirable, with the object of protecting each municipality from changes elsewhere in the metropolitan area which might prove harmful. For instance, industrial zoning along the boundary of one municipality might not be desirable, if the property owners in the municipality on the other side of the boundary had purchased their lots for residential use, in accordance with established zoning. If all proposed amendments of other than a purely local nature were reviewed by the metropolitan board in relation to the entire area, and an opinion on the desirability of the proposed revision expressed by the Board, decisions could be made on the basis of technical information available, for the ultimate good of the entire area, and each municipality would have the opportunity of voting on the adoption or rejection of such revisions.

Recommended Action

While definitely acknowledging the fact that special legislation will produce the best results for all concerned, the Joint Executive Committee has based its recommendations in regard to adoption of the zoning scheme upon the urgent need in many municipalities for immediate action. It therefore recommended that the municipalities not presently operating under the Town Planning Act proceed under the Municipal Act, whereby approval of a zoning by-law makes it effective. At the same time, if the Council so wished, such approval by by-law could constitute the initial step in the procedure required for adoption under the Town Planning Act. Municipalities presently administering a Town Planning scheme could adopt the proposed zoning regulations as an amendment to their present scheme, through provincial legislation. Thus all municipalities could proceed towards operation under the Town Planning Act.

Special enabling legislation, which should be kept in mind as the ultimate objective, could provide that zoning regulations presently administered under the Town Planning Act or by Charter power for cities and municipalities in the Greater Winnipeg area, would be operative under the special act.

Appearing below is a summary of the procedure for adoption of a scheme under the Town Planning Act and of information which should be included in public notices and in the submission of the scheme to the Minister for approval.

Town Planning Act of Manitoba

Summary of Procedure in Municipalities for Adoption of Zoning

1. Notice shall be published four times, at weekly intervals, in the Manitoba Gazette and in two of the principal newspapers circulating in the locality, that scheme has been prepared. (See A)
2. The scheme shall be deposited with Council before the first notice and remain for 28 days after final notice.
3. Council shall review and deal with objections, if any, before submission of scheme to Minister for approval. (See B)
4. Not less than 28 days after last notice, scheme may be submitted to Minister for approval.
5. Council shall adopt scheme by by-law.
6. Objections may be made to the Minister within 14 days from date of submission of scheme to Minister.
7. After reviewing objections, if any, Minister may approve scheme.
8. Order of Minister, approving or modifying scheme, shall be forwarded to municipal council.

A. Notices in the Manitoba Gazette and in Two Principal Newspapers shall include:

1. Legal description of the land included in scheme.
2. Statement as to time and places where plans and scheme may be inspected.
3. The date upon which it is proposed to submit the scheme to the Minister for approval.
4. Statement that council will consider written objections prior to date fixed for submission to Minister.
5. Statement that within 14 days after date of submission to the Minister, objections may be made in writing to the Minister.

B. Submission of Scheme to Minister for Approval shall include:

1. Five certified copies of by-law approving scheme and five copies of scheme.
2. Statutory declarations specifying the manner in which required notices were given. Copies of Manitoba Gazette and newspapers containing notices.
3. A copy of all written objections received by council, which have not been withdrawn or removed from the scheme adopted by council.
4. A statement of all property which in the opinion of council may be injuriously affected by the scheme, and the extent to which the municipality may be affected.

5. A statement indicating the body responsible for carrying out the provisions of the scheme and how such body is constituted; details of any work to be executed under the scheme; and estimated cost of carrying out the scheme, showing how cost is to be borne.

Administration

Administration of the zoning scheme is provided for in the Zoning by-law.

Enforcement

According to provisions in Chapter XXVII, the regulations would be enforced in the City of Winnipeg by the Commissioner of Buildings, in the case of new construction, and by the Medical Health Officer in the case of existing uses. Enforcement in the municipalities would be by appropriate officials, probably the Municipal Engineer or the Building Inspector.

Variances

A Zoning Board of Adjustment provided for in Chapter XXI would have power to make variances in harmony with the general purpose and intent of the by-law. The Board would be appointed in the City of Winnipeg by the City Council, consisting of four citizen members and three members of Council, one from each ward. Membership of the Municipal Zoning Boards would vary according to local requirements. The reason for establishing a Zoning Board of Adjustment is to avoid practical difficulties or unnecessary hardships resulting from the strict or literal interpretation and enforcement of the provisions of the by-law. If an application for a variance is denied by the Board, an appeal may be made to the Municipal and Public Utility Board within fourteen days from the date of notification of denial.

Amendments

Chapter XXVI empowers the City or Municipal Council to make changes or amendments in the Zoning scheme, whenever the public necessity, convenience, general welfare or good zoning practice require. An amendment may be initiated by the Planning Commission, by Council or by the owners or lessees of property within the area proposed to be changed. The procedure requires applications for change to be filed with the Commission, after which notice of the hearing must appear in a local newspaper at least ten days prior to the hearing. The Commission must make its decision and notify the applicant of its findings within thirty days from the filing of the application. If approval is given by the Commission, its findings are forwarded to City Council which, after a public hearing, may approve the amendment. If the application is denied by the Commission, the applicant may appeal to City Council within fourteen days. The Commission may be asked to furnish its reasons for denial. The Council is given power to grant the appeal by a two-thirds vote of the whole membership of Council, but before changing the recommendation of the Commission, a public hearing must be held and the changes in the Commission's findings set forth in writing.

PROPOSED ZONING BY-LAW

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PROPOSED ZONING BY-LAW

BY-LAW No.

A BY-LAW TO REGULATE AND RESTRICT THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCE, OR OTHER PURPOSES, THE HEIGHT, NUMBER OF STOREYS, AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE SIZE OF YARDS, AND OTHER OPEN SPACES, AND THE DENSITY OF POPULATION, AND FOR SAID PURPOSES TO DIVIDE THE MUNICIPALITY INTO DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS MAY BE DEEMED BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND TO PROVIDE FOR ITS ENFORCEMENT.

WHEREAS, the Council of the Municipality of _____ deems it necessary in order to lessen congestion on streets, to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the over-crowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of property and encourage the most appropriate use of land throughout the municipality, all in accordance with a comprehensive plan; now, therefore, THE COUNCIL OF THE MUNICIPALITY OF _____ IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

CHAPTER I

TITLE

This By-law shall be known and may be referred to and cited as "The (insert name of municipality) Zoning By-law".

CHAPTER II

DEFINITIONS

For the purpose of this By-law certain terms and words are here-with defined as follows:

The words "used for" include "designed for" and vice versa; words used in the present tense include the future; words in the singular number include the plural and vice versa; the word "building" includes "structure"; and the word "shall" is mandatory and not directory.

ACCESSORY USE: The use of land, or of a subordinate building or part thereof, or of a portion of a main building, such use being accessory or incidental to the principal use of the premises.

AIRPORT OR AIRCRAFT LANDING FIELD: Any landing area, runway or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxi-ways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.

APARTMENT, GARDEN: Multiple dwellings with large, open spaces for lawns, landscaping and recreation, not more than two and one-half (2½) storeys in height.

APARTMENT BLOCK OR HOUSE: Same as "Dwelling, Multiple".

APARTMENT HOTEL: A building or portion thereof designed for or containing both individual guest rooms or suites of rooms and dwelling units.

AUTOMOBILE SERVICE STATION: A building or portion thereof and land used for supplying fuel, oil and minor accessories for automobiles at retail direct to the customer.

AUTOMOBILE AND TRAILER SALES AREA: An open area, other than a street used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.

AUTOMOBILE WRECKING: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A storey partly underground, having more than one-half of its average height above the grade of the sidewalk. A basement shall be counted as a storey for height purposes if subdivided and used for dwelling or business purposes, for other than the caretaker and his family.

BOARD: Shall mean the "Zoning Board".

BOARDING AND/OR LODGING HOUSE, INCLUDING ROOMING HOUSE: A building or portion thereof, other than a hotel, where lodging and/or meals for five or more persons are provided for compensation.

BUILDING: A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattels. Where a dwelling is separated by a division wall without openings, each portion of such dwelling shall be deemed a separate building.

BUILDING, HEIGHT OF: The vertical distance measured from the grade level to the highest point of the roof surface, if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gambrel roof, provided, however, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

BUILDINGS, UNIT GROUP: Two or more buildings grouped upon a lot and held under single ownership, such as universities, hospitals, institutions and industrial plants.

CAMP, PUBLIC: Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, or two (2) or more camping parties, including cabins, tents or other camping outfits.

CAMP, TRAILER: Same as "Camp, Public".

CELLAR: A storey having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a storey for purposes of height measurement.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

COMMISSION: Shall mean the "Town Planning Commission".

COURT: An open unoccupied space, other than a yard, on the same lot with a building and bounded on two (2) or more sides by such building.

COURT APARTMENT: One, two or three multiple dwellings arranged around two (2) or three (3) sides of a court which opens into a street, or a place approved by the Commission.

CURB LEVEL: The level of the established curb in front of the building measured at the center of such front. Where no curb level has been established, the City Engineer shall establish such curb level or its equivalent for the purpose of this By-law.

DWELLING: A building or portion thereof designed exclusively for residential occupancy, including one-family, two family and multiple dwellings, but not including hotels, boarding and lodging houses.

DWELLING UNIT: Two or more rooms in a dwelling or apartment hotel designed for occupancy by one family for living or sleeping purposes and having only one (1) kitchen.

DWELLING, ONE-FAMILY: A detached building designed exclusively for occupancy by one (1) family.

DWELLING, TWO-FAMILY: A building designed exclusively for occupancy by two (2) families living independently of each other, including Duplex and Semi-detached Houses.

DWELLING, MULTIPLE: A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other, including Apartment Blocks and Houses.

DWELLING, GROUP: One or more buildings, not more than two and one-half (2½) storeys in height, containing dwelling units and arranged around two (2) or three (3) sides of a court which opens onto a street, or a place approved by the Commission, including one-family, two-family, row or multiple dwellings and court apartments.

DWELLING, ROW: A row of three (3) to six (6) attached one-family dwellings, not more than two and one-half (2½) storeys in height, nor more than two (2) rooms deep, with the exception of the end houses which may be not more than three (3) rooms deep.

FAMILY: One (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity or sorority house.

FRONTAGE, ENTIRE: All the property fronting on one (1) side of a street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or city boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

FROZEN FOOD LOCKER: A Building or structure where meat, vegetables, fruit or other foods are frozen and stored in lockers and where no killing or slaughtering of fowl or animals is permitted on the premises.

GARAGE, PRIVATE: A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

GARAGE, PUBLIC: A building other than a private garage used for the care, repair, or equipment of automobiles, or where such vehicles are parked or stored for remuneration, hire or sale.

GRADE: The established grade of the sidewalk as fixed by the Municipal Authority.

HOME OCCUPATION: An occupation carried on by the occupant of a dwelling as a secondary use in connection with which there is no display; no stock in trade nor commodity sold upon the premises; and no person employed.

HOTEL: A building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals and in which there are more than twenty-three (23) sleeping rooms usually occupied singly and no provision made for cooking in any individual room or apartment.

LANE, PUBLIC OR PRIVATE: A way which affords only a secondary means of access to abutting property.

LOADING SPACE: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, lane or other appropriate means of access.

LODGING HOUSE: See Boarding House.

LOT: Land held under separate ownership and occupied or to be occupied by a building or unit group of buildings and accessory buildings, together with such yards, open spaces and lot area as are required by this By-law, and having its principal frontage upon a street, or a place

approved by the Commission.

LOT LINES: The lines bounding a lot as defined herein.

LOT WIDTH: The horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines, or forty (40) feet from the street it faces, whichever is the lesser.

LOT DEPTH: The horizontal distance between the front and rear lot lines, measured along the median between the two side lot lines.

LOT AREA: The total horizontal area within the lot lines of a lot.

LOT, CORNER: A lot not greater than seventy-five (75) feet in width and situated at the intersection of two (2) or more streets.

LOT, REVERSED CORNER: A corner lot the side street line of which is substantially a continuation of the front lot line of the lot to its rear.

LOT, INTERIOR: A lot other than a corner lot.

LOT, KEY: The first lot to the rear of a reversed corner lot and not separated by a lane.

LOT, THROUGH: A lot having frontage on two (2) parallel or approximately parallel streets.

MUNICIPAL AUTHORITY: (As referred to in this By-law) Planning Commission where such Commission exists, or the Council where there is no Planning Commission.

NON-CONFORMING BUILDING: A building or structure or portion thereof lawfully existing at the time this By-law became effective, which was designed, erected, or structurally altered, for a use that does not conform to the use regulations of the district in which it is located.

NON-CONFORMING USE: A use which lawfully occupied a building or land at the time this By-law became effective and which does not conform with the use regulations of the district in which it is located.

PARKING AREA, PUBLIC: An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

PARKING SPACE, AUTOMOBILE: Space within a building or public parking area for the temporary parking or storage of one (1) automobile.

PLACE: An open unoccupied space other than a street or lane permanently reserved as the principal means of access to abutting property.

PREMISES: An area of land including a lot, with or without buildings.

ROOMING HOUSE: See BOARDING HOUSE.

SCHOOL, ELEMENTARY OR HIGH: An institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Acts on Education in the Statutes of the Province of Manitoba.

STABLE, PRIVATE: A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, exhibition, hire or sale.

STABLE, PUBLIC: A stable other than a private stable.

STOREY: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STOREY, HALF: A storey under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such storey.

STREET: A public thoroughfare over thirty-three (33) feet in width, which affords principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

STRUCTURAL ALTERATIONS: Any change which would tend to prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams or girders.

TOURIST COURT: A group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges.

TRAILER, AUTOMOBILE: A vehicle without motive power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach or house trailer.

USE: The purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

YARD: An open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this By-law.

YARD, FRONT: A yard extending across the full width of the lot, the depth

of the yard being the minimum horizontal distance between the front lot line and a line parallel thereto on the lot.

YARD, REAR: A yard extending across the full width of the lot between the most rear main building and the rear lot line; the depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line toward the nearest part of a main building.

YARD, SIDE: A yard, between a main building and the side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard, the width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of a main building.

CHAPTER III

DISTRICTS

In order to carry out the purpose and provisions of this By-law the municipality is hereby divided into thirteen (13) districts, known as:

DISTRICT	SHORT TITLE
"A1" Agricultural District	"A1"
"RA" Suburban District	"RA"
"R1" One-family District	"R1"
"R2" Two-family District	"R2"
"R3" Multiple-family District	"R3"
"R4" Multiple-family District	"R4"
"C1" Limited Commercial District	"C1"
"C2" Commercial District	"C2"
"C3" Commercial District	"C3"
"CM" Business District	"CM"
"M1" Light Industrial District	"M1"
"M2" Light Industrial District	"M2"
"M3" Heavy Industrial District	"M3"

The districts aforesaid and the boundaries of such districts are shown upon the map attached hereto and made a part of this By-law, being designated as the "District Map" and said map and all the notations, references and other information shown thereon shall be as much a part of this By-law as if the matters and information set forth by said map were all fully described herein.

Whenever the terms "A" District, "R" District, "C" District or "M" District are used, they shall be deemed to refer to all districts containing the same letter in their names (except "RA" Suburban and "CM" Business Districts); i.e. "C" District shall include the "C1", "C2" and "C3" Districts.

Certain General Provisions, Exceptions and Conditional Uses pertaining to the district regulations are contained in Chapters XVII, XVIII and XX, respectively.

The "R1" District is the most restricted and the "M3" District the least restricted use classification.

CHAPTER IV

"A1" AGRICULTURAL DISTRICTS

The following regulations shall apply in the "A1" Agricultural Districts:

- A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
 1. One-family dwellings.
 2. Churches, libraries, and museums, provided they are located at least twenty-five (25) feet from all lot lines.
 3. Hospitals or sanitariums (except clinics, and hospitals or sanitariums for contagious, mental or drug or liquor addict cases), provided they are located at least fifty (50) feet from all lot lines.
 4. Parks, playgrounds or community centers, owned or approved by the Municipal Authority.
 5. Golf courses; except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
 6. Agricultural uses, including field crops; truck gardening; berry or bush crops; tree crops, flower gardening; nurseries; orchards; aviaries; apiaries; and mushroom farms.
 7. Farms devoted to the hatching, raising and marketing of chickens, turkeys, or other poultry, fowl, rabbits, fish or frogs; provided, however, that no killing or dressing of poultry or rabbits shall be permitted other than the poultry or rabbits raised on the premises and that such killing or dressing is done in an accessory building.
 8. Farms or ranches for grazing, breeding, raising or training horses or cattle; riding stables or academies; goat or cattle dairies on a lot having an area of not less than twenty (20) acres; sheep or goat raising; the keeping of not to exceed ten (10) swine; dog kennels or the breeding, boarding or sale of dogs or cats; aquariums; and mink or fox farms.
 9. Any other similar uses or enterprises customarily carried on in the field of general agriculture and not obnoxious or detrimental to the public welfare.
 10. Accessory uses, including home occupations or the home office of a physician, dentist, or other person authorized by law to practice medicine or healing, a private garage, accessory living quarters, guest house, recreation room, greenhouse, lath-house, stable, barn, corral, pen, coop, kennel, poultry or rabbit killing and dressing room, building or room for packing products raised on the premises, or other similar structure, when located not less than one hundred (100) feet from the front lot line nor less than twenty-five (25) feet

from any other lot line. Accessory living quarters, guest house recreation room, and a private garage or any combination of such uses may be included in one (1) building of one (1) or two (2) storeys in height.

11. Name plates and signs as follows: one name plate for each dwelling unit, not exceeding three (3) square feet in area, indicating the name of the occupant or a permitted occupation; one identification sign, not exceeding twenty (20) square feet in area, for farms, ranches, estates, or buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; single or double-faced unlighted sign or signs, appertaining only to the prospective rental or sale of the property on which it is located or to the farm products produced upon the premises, provided such signs do not exceed a total of twenty (20) square feet in area and are located not nearer than ten (10) feet to any street or highway; and one or more signs, not exceeding three (3) square feet in area, warning against trespassing.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half (2½) storeys or thirty-five (35) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. **FRONT YARD.** There shall be a front yard of not less than twenty-five (25) per cent of the depth of the lot, but such front yard need not exceed twenty-five (25) feet.
2. **SIDE YARDS.** There shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed twenty-five (25) feet and shall not be less than three (3) feet in width.
3. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.
4. **LOT AREA.** Every lot, farm or other parcel of land shall have a minimum average width of three hundred (300) feet and a minimum area of five (5) acres, and every use permitted in this chapter shall be located on a lot, farm or other parcel of land having an area of not less than five (5) acres, except that (a) the lot area for goat or cattle dairies shall not be less than twenty (20) acres, (b) the lot area per dwelling unit shall be not less than two and one-half (2½) acres, and (c) churches, libraries, museums, public utility and public service uses or structures, and sanatoria or hospitals (except animal) not exceeding fifty (50) beds, may be located on a lot of not less than two (2) acres.

In no case shall a farm or other parcel of land be reduced to less than five (5) acres. Provided, that where a lot has less width or less area than herein required and was held under separate ownership or was of record at the time this By-law became effective, such lot may be occupied by any use permitted in this Chapter except those uses set forth above in sub-chapter "A-USE", paragraph 8.

CHAPTER V

"RA" SUBURBAN DISTRICTS

The following regulations shall apply in the "RA" Suburban Districts:

A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. Any use permitted in the "A1" Agricultural Districts provided that all area requirements therein are complied with. In the case of the following uses, however, the area regulations subsequently set forth in this section shall apply:
 - (a) One-family dwellings.
 - (b) Churches or Parish Halls, provided they comply with the side yard regulations as required in Chapter XVII.C.
 - (c) Parks, Playgrounds or Community Centres, owned or approved by the Municipal Authority.
 - (d) Golf Courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
 - (e) Truck or market gardening, including nurseries; greenhouses; the hatching and raising of poultry and fowl; the raising of rabbits, bees and the like; the keeping of domestic animals as an incidental use; and the sale of products or commodities raised on the premises, if no retail stand or commercial structure is maintained.
 - (f) Transitional uses as follows:
 - (1) A two-family dwelling on a lot in the "RA" District where the side of such lot abuts upon a lot in a multiple family, commercial or industrial district, or is separated therefrom by a lane. The yard requirements for such two-family dwellings shall be the same as in the "R2" Two-Family Districts, and the minimum lot area per dwelling unit shall be ten thousand (10,000) square feet.
 - (2) A public parking area on a lot in the "RA" District, where the side of such lot abuts upon a lot in a commercial or industrial district, or is separated therefrom by a lane, when located and developed as required in Chapter XVII A, 8.
2. Accessory uses including, (a) home occupations or the home office

of a physician, dentist, or other person authorized by law to practice medicine or healing, when situated in a room in the same dwelling unit as the home of the occupant and used only for consultation and emergency treatment as an adjunct to a principal office, (b) one private garage constructed as a part of the main building, (c) one private stable located in a detached building, provided that it meets the requirements of the Public Health Act of Manitoba, and the Health By-law of the Municipality, and (d) accessory living quarters constructed as a part of the main building or located above a private garage or stable. Detached accessory buildings shall be located not less than seventy (70) feet from the front lot line, nor less than five (5) feet from any other street line (except in the case of a stable which shall be located not less than twenty-five (25) feet from any other street line), nor less than eight (8) feet from the rear lot line where no lane exists.

3. Name plates and signs as follows: one name plate for each dwelling unit, not exceeding three (3) square feet in area, indicating the name of the occupant or a permitted occupation; one identification sign, not exceeding twenty (20) square feet in area, for farms, ranches, estates, or buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; single or double-faced unlighted sign or signs, appertaining only to the prospective rental or sale of property on which it is located or to the farm products produced upon the premises, provided such signs do not exceed a total of twenty (20) square feet in area and are located not nearer than ten (10) feet to any street or highway; and one or more signs, not exceeding three (3) square feet in area, warning against trespassing.
4. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII A, 6.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half (2½) storeys or thirty-five (35) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. **FRONT YARD.** There shall be a front yard of not less than twenty-five (25) per cent of the depth of the lot, but such front yard need not exceed twenty-five (25) feet.

Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than six (6) feet in depth, the average of such front yards shall establish the front yard depth for the entire frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted. On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot. In no case shall a front yard of more than fifty (50) feet be required.

2. **SIDE YARDS.** On interior lots, there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

On corner lots, the side yard regulations shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard) of a reversed corner lot of record at the time this By-law became effective, to less than twenty-eight (28) feet for a main building.

3. **REAR YARD.** There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

4. **LOT AREA.** Every lot shall have a minimum lot area of one-half (½) acre, except as otherwise required for "A1" uses. The minimum lot area per dwelling unit shall also be one-half (½) acre except for a transitional dwelling use.

Provided that where a lot has an area less than one-half (½) acre, and was held under separate ownership or was of record at the time this By-law became effective, such lot may be occupied by any use permitted in this chapter, except those requiring two (2) or five (5) acres.

CHAPTER VI

"R1" ONE-FAMILY DISTRICTS

The following regulations shall apply in the "R1" One-Family Districts:

- A. **USE** No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. One-family dwellings.
2. Parks, Playgrounds or Community Centres, owned or approved by the Municipal Authority.
3. Golf Courses, except driving tees or ranges, miniature courses and similar uses operated for commercial purposes.
4. Truck or market gardening.
5. Horticultural Nurseries.
6. Transitional uses as follows:
 - (a) A two-family dwelling on a lot in the "R1" District where the side of such lot abuts upon a lot in a multiple family, commercial or industrial district, or is separated therefrom by a lane. Further, the area requirements for such two-family dwelling shall be the same as in the "R2" District.
 - (b) The principal office of a physician, dentist, or other person authorized by law to practice medicine or healing, on a lot in the "R1" District where the side of such lot abuts upon a lot in a commercial or industrial district or is separated therefrom by a lane, provided such use is conducted within a one-family dwelling and the residential character of such dwelling is not changed.
 - (c) A public parking area on a lot in the "R1" District, where the side of such lot abuts upon a lot in a commercial or industrial district or is separated therefrom by a lane, when located and developed as required in Chapter XVII, A, 8.
 - (d) Provided that no transitional use shall extend more than sixty-six (66) feet from the boundary of the less restricted district which it adjoins.
7. The following uses provided they comply with the side yard regulations as required in Chapter XVII, C.
 - (a) Churches or Parish Halls.
 - (b) Schools under jurisdiction of the School Board or Boards of the Municipality.
 - (c) University, College or School not conducted as a commercial or business enterprise for profit.
 - (d) Libraries, Art Galleries or Museums, owned or approved by the Municipal Authority.

8. Accessory uses including, (a) home occupations or the home office of a physician, dentist, or other person authorized by law to practice medicine or healing, when situated in a room in the same dwelling unit as the home of the occupant and used only for consultation and emergency treatment as an adjunct to a principal office, (b) one private garage constructed as a part of the main building or as a detached building, (c) one private stable located in a detached building, provided that it meets the requirements of the Public Health Act of Manitoba and the Health By-law of the Municipality, and (d) accessory living quarters constructed as a part of the main building or located above a private garage or stable. Detached accessory buildings shall be located not less than seventy (70) feet from the front lot line, nor less than five (5) feet from any other street line (except in the case of a stable which shall be located not less than twenty-five (25) feet from any other street line), nor less than eight (8) feet from the rear lot line where no lane exists.

9. Name plates and signs as follows: One unlighted name plate for each dwelling unit, not exceeding one and one-half ($1\frac{1}{2}$) square feet in area, indicating the name of the occupant; one identification sign not exceeding twelve (12) square feet in area for buildings other than dwellings; one church bulletin board, not exceeding eighteen (18) square feet in area; an unlighted sign or signs not exceeding a total area of twelve (12) square feet, appertaining to the prospective rental or sale of the property on which they are located; provided, that a name plate or identification sign shall be attached to and parallel with the front wall of the building, and further, that no name plate or advertising sign of any other character shall be permitted.

10. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

- B. **HEIGHT** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half ($2\frac{1}{2}$) storeys or thirty-five (35) feet in height.

- C. **AREA** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. **FRONT YARD.** Same as "RA" District, Chapter V.
2. **SIDE YARDS.** Same as "RA" District, Chapter V.
3. **REAR YARD.** Same as "RA" District, Chapter V.
4. **LOT AREA.** Every lot shall have a minimum average width of forty (40) feet and a minimum area of forty-four Hundred (4400) square feet. The minimum lot area per dwelling unit shall also be forty-four hundred (4400) square feet, except for transitional dwelling use.

Provided, that where a lot has a width less than forty (40) feet or an area of less than forty-four hundred (4400) square feet, and was held under separate ownership or was of record at the time this By-law became effective, such lot may be occupied by any use permitted in this chapter.

"R2" TWO-FAMILY DISTRICTS

The following regulations shall apply in the "R2" Two-Family Districts:

- A. **USE** No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
1. Any use permitted in the "R1" One-family District.
 2. Two-family Dwellings.
 3. Transitional uses as follows:
 - (a) A multiple dwelling on a lot in the "R2" District where the side of such lot abuts upon a lot in a commercial or industrial district or is separated therefrom by a lane. Further, the area requirements for such multiple family dwellings shall be the same as in the "R3" District.
 - (b) The principal office of a physician, dentist, or other person authorized by law to practice medicine or healing, on a lot in the "R2" District where the side of such lot abuts upon a lot in a commercial or industrial district or is separated therefrom by a lane, provided such use is conducted within a one-family dwelling and the residential character of such dwelling is not changed.
 - (c) A public parking area on a lot in the "R2" District where the side of such lot abuts upon a lot in a commercial or industrial district or is separated therefrom by a lane, when located and developed as required in Chapter XVII, A, 8.
 - (d) Provided that no transitional use shall extend more than sixty-six (66) feet from the boundary of the less restricted district which it adjoins. (Note: See also Chapter XX, A, 20. re Garden Apartments, and Chapter XXI, A, (9) re Multiple Dwellings.)
 4. Accessory uses, same as "R1" District, Chapter VI.
 5. Name plates and signs - Same as "R1" District, Chapter VI.
 6. Automobile parking space required for dwellings and buildings other than dwellings, as provided for in Chapter XVII, A, 6.

- B. **HEIGHT** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half ($2\frac{1}{2}$) storeys or thirty-five (35) feet in height.

- C. **AREA** No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. **FRONT YARD.** Same as "R1" District.
2. **SIDE YARDS.** Same as "R1" District.
3. **REAR YARD.** Same as "R1" District.
4. **LOT AREA.** Every lot shall have a minimum average width of forty (40) feet and a minimum area of forty-four hundred (4400) square feet. The minimum lot area per dwelling unit shall be twenty-two hundred (2200) square feet, except for a transitional dwelling use.

Provided that where a lot has a width of less than forty (40) feet or an area of less than forty-four hundred (4400) square feet and was held under separate ownership or was of record at the time this By-law became effective, such lot may be occupied by any use permitted in this chapter. In no case, however, shall a two-family dwelling have a lot area of less than two thousand (2000) square feet per dwelling unit.

"R3" MULTIPLE FAMILY DISTRICTS

The following regulations shall apply in the "R3" Multiple Family Districts:

- A. **USE** No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
1. Any use permitted in the "R2" Two-family District.
 2. Multiple Dwellings.
 3. Group and Row Dwellings.
 4. Court Apartments.
 5. Boarding and Lodging Houses.
 6. Apartment Hotels.
 7. Hotels, in which incidental business may be conducted only as a service for the persons living therein, provided there is no entrance to such place of business except from the inside of the building and that no sign advertising such business shall be visible from outside the building.
 8. Transitional uses as follows:
 - (a) The principal office of a physician, dentist, or other person authorized by law to practice medicine or healing, on a lot in the "R3" District where the side of such lot abuts upon a lot in a commercial or industrial district or is separated therefrom by a lane, provided such use is conducted within a one-family dwelling and the residential character of such dwelling is not changed.
 - (b) A public parking area on a lot in the "R3" District where the side of such lot abuts upon a lot in a commercial or industrial district, or is separated therefrom by a lane, when located and developed as required in Chapter XVII, A, 8.
 - (c) Provided that no transitional use shall extend more than sixty-six (66) feet from the boundary of the less restricted district which it adjoins.
 9. The following uses, provided they comply with the side yard regulations as required in Chapter XVII, C.

- (a) Fraternity and Sorority Houses.
- (b) Private Schools.
- (c) Private non-profit clubs or lodges, chartered as such by the Province, excepting those the chief activity of which is a service customarily carried on as a business.
- (d) Hospitals or sanitariums (except animal hospitals, clinics, nursing homes and hospitals or sanitariums for contagious, mental, or drug or liquor-addict cases), with open spaces as required in Chapter XVII.
- (e) Institutions of an educational or philanthropic nature, except those of a correctional nature or for mental cases.

10. Accessory Uses. Same as "R1" District, Chapter VI.

11. Name plates and signs as follows: One unlighted name plate, not exceeding one and one-half (1½) square feet in area, indicating the name of the occupant; one identification sign not exceeding three (3) square feet in area for Boarding and Lodging houses; one lighted identification sign (excluding illuminated signs of the flashing or animated type) not exceeding twelve (12) square feet in area for multiple dwellings having four (4) or more dwelling units and for buildings other than dwellings; one church bulletin board not exceeding eighteen (18) square feet in area; an unlighted sign or signs not exceeding a total area of twelve (12) square feet appertaining to the prospective rental or sale of the property on which they are located; provided, that a name plate or identification sign shall be attached to and parallel with the front wall of the building and further, that no name plate or advertising sign of any other character shall be permitted.

12. Automobile parking space required, for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) storeys or forty-five (45) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. FRONT YARD. There shall be a front yard of not less than twenty (20) per cent of the depth of the lot, but such front yard need not exceed twenty (20) feet.

Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than six (6) feet in depth, the average of such front yard shall establish the front yard depth for the Entire Frontage. In determining such front yard depth buildings located entirely on the rear one-half of a lot shall not be counted. On key lots the minimum front yard shall be the average of the required front yard for the adjoining interior lot and the required side yard along the street side of the adjoining reversed corner lot. Where existing buildings on either or both of said adjoining lots are located nearer to the front or side lot lines than the yards required above, the yards established by such existing buildings shall be used in computing the front yard for a key lot. In no case shall a front yard of more than fifty (50) feet be required.

2. SIDE YARDS. On interior lots there shall be a side yard on each side of a main building of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width for a building not more than two and one-half (2½) storeys in height. For three (3) storey buildings, one (1) foot shall be added to the width of each side yard required above.

On corner lots the side yard regulations shall be the same as for interior lots, except in the case of a reversed corner lot. In this case, there shall be a side yard on the street side of the corner lot of not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots) but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width (after providing the required interior side yard), of a reversed corner lot of record at the time this By-law became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots.

4. LOT AREA. Every lot shall have a minimum average width of forty (40) feet and minimum area of forty-eight hundred (4800) square feet. The minimum lot area per dwelling unit shall be eight hundred (800) square feet.

Provided, that where a lot has a width of less than forty (40) feet or an area of less than forty-eight hundred (4800) square feet and was held under separate ownership or was of record at the time this By-law became effective, such lot may be occupied by any use permitted in this chapter, except that where such lot has an area of less than forty-eight hundred (4800) square feet but not less than four thousand (4000) square feet, the lot area per dwelling unit shall not be less than one thousand (1000) square feet. In no case, however, shall more than

one dwelling unit be permitted where such lot has an area of less than four thousand (4000) square feet. Further, the above regulations shall apply to a suite of two (2) or more guest rooms in a hotel or apartment hotel, but not to individual guest rooms in such buildings.

CHAPTER IX

"R4" MULTIPLE FAMILY DISTRICTS

The following regulations shall apply in the "R4" Multiple-family Districts:

A. USE Same as "R3" District.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed six (6) storeys or seventy-five (75) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. FRONT YARD. Same as "R3" District.

2. SIDE YARDS. Same as required in "R3" District, Chapter VIII, except that for buildings more than three (3) storeys in height, each side yard shall be increased one (1) foot in width for each additional storey above the third storey.

3. REAR YARD. Same as "R3" District.

4. LOT AREA. Every lot shall have a minimum average width of forty (40) feet and a minimum area of forty-eight hundred (4800) square feet. The minimum lot area per dwelling unit shall be four hundred (400) square feet.

Provided, that where a lot has a width of less than forty (40) feet or an area of less than forty-eight hundred (4800) square feet and was held under separate ownership or was of record at the time this By-law became effective, such lot may be occupied by any use permitted in this chapter, except that where such lot has an area of less than forty-eight hundred (4800) square feet, but not less than four thousand (4000) square feet, the lot area per dwelling unit shall not be less than six hundred (600) square feet. In no case, however, shall more than one dwelling unit be permitted where such lot has an area of less than four thousand (4000) square feet. Further, the above regulations shall apply to a suite of two (2) or more guest rooms in a hotel or apartment hotel, but not to individual guest rooms in such building.

CHAPTER X

"C1" LIMITED COMMERCIAL DISTRICTS

The following regulations shall apply in the "C1" Limited Commercial Districts:

A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. Any use permitted in the "R3" Multiple-family District.
2. Baked goods shop.
3. Barber shop or beauty parlor.
4. Book or stationery store.
5. Clothes cleaning agency or pressing establishment.
6. Confectionery store.
7. Dressmaking or millinery shop.
8. Drug store.
9. Dry goods or notions store.
10. Florist or gift shop.
11. Frozen Food Lockers used exclusively for service directly to consumer in the immediate neighborhood and containing not more than seven hundred (700) lockers, having a capacity of not more than one hundred (100) cubic feet each.
12. Grocery, fruit or vegetable store.
13. Hardware or electrical appliance store.
14. Jewelry store.
15. Laundry agency.
16. Meat market or delicatessen store.
17. Offices, business or professional.
18. Photographer.
19. Public parking area, when located and developed as required in Chapter XVII, A, 8.
20. Restaurant, tea room or cafe (excluding dancing or entertainment).
21. Shoe store or shoe repair shop.
22. Tailor, clothing or wearing apparel shop.
23. Accessory uses when located on the same lot. Provided that (a) no retail store or business shall involve any kind of manufacturing, compounding, processing or treatment of products other than that which is clearly incidental and essential to such retail store or business and where all such products are sold at retail on the premises; and (b) all exterior walls of a building hereafter erected, extended, or structurally altered, which face a street or property in an "A", "RA", or "R" District shall be designed, treated and finished in a uniform and satisfactory manner approved by the Commissioner of Buildings.
24. Loading space as required in Chapter XVII, A, 7.
25. Other uses similar to the above as provided for in Chapter XVII, A, 2, provided such uses are essential as a matter of public convenience to the immediate neighborhood only.
26. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed two and one-half (2½) storeys or thirty-five (35) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. There shall be a front yard of not less than twenty-five (25) per cent of the depth of the lot, but such front yard need not exceed twenty-five (25) feet.

Provided, however, that where lots comprising forty (40) per cent or more of the frontage (excluding key and reversed corner lots) are developed with buildings having front yards with a variation of not more than six (6) feet in depth, the average of such front yards shall establish the front yard depth for the Entire Frontage. In determining such front yard depth, buildings located entirely on the rear one-half of a lot shall not be counted. In no case shall a front yard of more than fifty (50) feet be required.

2. SIDE YARDS. Where the side of a lot in the "C1" District abuts upon the side of a lot in an "A", "RA", or "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where a reversed corner lot rears upon the side of a lot in an "A", "RA", or "R" District, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this By-law became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial building shall not be required, but if provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for dwelling purposes shall comply with the side yard regulations of the "R1" District.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet.

4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R2" District.

CHAPTER XI

"C2" COMMERCIAL DISTRICTS

The following regulations shall apply in the "C2" Commercial Districts:

- A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
 1. Any use permitted in the "C1" District.
 2. Retail stores or businesses.
 3. Advertising signs or structures and billboards.
 4. Amusement enterprises, including a billiard or pool hall, bowling alley, boxing arena, dance hall, games of skill and science, penny arcade, shooting gallery, and the like, if conducted wholly within a completely enclosed building.
 5. Art or antique shop, if conducted wholly within a completely enclosed building.
 6. Auditorium.
 7. Automobile service station provided any tube and tire repairing, battery charging, and storage of merchandise and supplies are conducted wholly within a building; and provided, further, that any lubrication or washing, not conducted wholly within a building, shall be permitted only if a masonry wall or suitable fence approved by the municipality six (6) feet in height is erected and maintained between such uses and any adjoining "RA" or "R" Districts.
 8. Automobile and trailer sales area, provided (a) that such area is located and developed as required in Chapter XVII, A, 8, and (b) that any incidental repair of automobiles or trailers shall be conducted and confined wholly within a building.
 9. Bank.
 10. Baseball or football stadium.
 11. Baths, turkish and the like.
 12. Bird store, pet shop or taxidermist.
 13. Business college or private school operated as a commercial enterprise.
 14. Blueprinting or photostating.
 15. Carpenter shop, if conducted wholly within a completely enclosed building, but excluding cabinet shops or furniture manufacture.
 16. Catering establishment.
 17. Cleaning establishment, using non-inflammable and non-explosive cleaning fluid.
 18. Department, furniture or radio store.
 19. Drive-in businesses where persons are served in automobiles, such as refreshment stands, restaurants, food stores, and the like.
 20. Feed or fuel store.
 21. Film exchange.

22. Frozen Food Locker used exclusively for service directly to the consumer.
23. Funeral Parlors.
24. Hospitals for small animals.
25. Ice storage house, not more than five (5) tons capacity.
26. Interior decorating store.
27. Medical or dental clinics and laboratories.
28. Music conservatory or music instruction.
29. Newsstand.
30. Pawnshop.
31. Plumbing or sheet metal shops, if conducted wholly within a completely enclosed building.
32. Pony riding ring, without stables.
33. Printing, lithographing or publishing.
34. Public garage, including automobile repairing, and incidental body and fender work, painting or upholstering, if all operations are conducted within a completely enclosed building. Provided, however, that where a public garage is located on a lot which does not abut upon a lane and is within fifty (50) feet of a lot in an "RA" or "R" District, the garage wall, which parallels the nearest line of such lot, shall have no openings other than stationary windows.
35. Public services, including electric distributing sub-station, fire or police station, telephone exchange, and the like.
36. Rescue missions or temporary revival churches.
37. Second-hand store, if conducted wholly within a completely enclosed building.
38. Sign painting shop, if conducted wholly within a completely enclosed building.
39. Storage building for household goods.
40. Studios (except motion picture).
41. Tire shop operated wholly within a building.
42. Tourist court.
43. Trade school, not objectionable due to noise, odor, vibration, or other similar causes.
44. Trailer or public camps.
45. Upholstering shop, if conducted wholly within a completely enclosed building.
46. Other uses similar to the above, as provided for in Chapter XVII, A, 2.
47. Accessory uses when located on the same lot.
48. Loading space as required in Chapter XVII, A, 7.
49. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) storeys or forty-five (45) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. Where all the frontage is located in the "C2" District, no front yard shall be required. Where the frontage is located partly in the "C2" District and an "A", "RA", or "R" District, the front yard requirement of the "A", "RA", or "R" District shall apply in the "C2" District.
2. SIDE YARDS. Where the side of a lot in the "C2" District abuts upon the side of a lot in an "A", "RA", or "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. Where a reversed corner lot rears upon the side of a lot in an "A", "RA", or "R" District, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet in width. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot. Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner lot of record at the time this By-law became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial building shall not be required, but if provided it shall not be less than three (3) feet in width. Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R3" District.
3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots. Provided, that where the rear of a lot in the "C2" District abuts upon the side or rear of a lot in a "C", "CM", or "M" District, the rear yard need not exceed ten (10) feet in depth. Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R3" District.
4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R3" District.

CHAPTER XII

"C3" COMMERCIAL DISTRICTS

The following regulations shall apply in the "C3" Commercial

District.

A. USE Same as "C2" Commercial District.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed six (6) storeys or seventy-five (75) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. Same as "C2" Commercial District.

2. SIDE YARDS. Where the side of a lot in the "C3" District abuts upon the side of a lot in an "A", "RA", or "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if a side yard is provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R4" District.

3. REAR YARD. There shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, provided such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots. Provided, that where the rear of a lot in the "C3" District abuts upon the side or rear of a lot in a "C", "CM", or "M" District, the rear yard need not exceed ten (10) feet in depth.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4" District.

4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R4" District.

CHAPTER XIII

"CM" BUSINESS DISTRICT

The following regulations shall apply in the "CM" Business District:

A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:

1. Any use permitted in the "C2" Commercial District.
2. "M1" Light Industrial Uses on all floors of a building above the first full storey above the highest adjacent sidewalk level, but in no case shall said first full storey, or any storey partially above ground, be used for any use except those permitted in the "C2" Commercial District.
3. Accessory uses when located on the same lot.
4. Loading space as required in Chapter XVII, A, 7.
5. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected and maintained to exceed a height at the street line of one and one-half ($1\frac{1}{2}$) times the width of the street, and in the case of a corner lot the widest street, but above the height permitted at the street line three (3) feet may be added to the height of the building for each one (1) foot that the building or portion thereof is set back from all lot lines; provided, that the cubical contents of such building shall not exceed the cubical contents of a prism having a base equal to the area of the lot and a height of one hundred fifty (150) feet. Provided, further, that a tower which does not exceed sixty (60) feet in length or width; which does not cover more than twenty (20) per cent of the lot area; and which is removed at least twenty (20) feet from all lot lines, may be erected without reference to the above limitations.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. YARDS. Not required for business buildings, but if a yard is provided it shall not be less than three (3) feet in width or depth.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side and rear yard regulations of the "R4" District.

2. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R4" District.

CHAPTER XIV

"M1" LIGHT INDUSTRIAL DISTRICTS

The following regulations shall apply in the "M1" Light Industrial District:

A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for uses permitted in the "C2" District or any of the following uses:

1. Uses to be conducted wholly within a completely enclosed building except for the on-site parking of delivery vehicles which are incidental thereto:
 - (a) The manufacture, compounding, processing, packaging, or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
 - (b) The manufacture, compounding, assembling, or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, shell, textiles, tobacco, wood (excluding planing mills), yards, and paint not employing a boiling process.
 - (c) The manufacture of figurines and other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or low pressure gas.
 - (d) The manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, light sheet metal products, including heating and ventilating products and equipment, cornices, eaves, and the like.
 - (e) The manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
 - (f) Automobile assembling, painting, upholstering, rebuilding, reconditioning, body and fender works, truck repairing or overhauling, tire retreading or recapping, battery manufacturing and the like.
 - (g) Blacksmith shop and machine shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and automatic screw machines.
 - (h) Chicken hatchery.
 - (i) Frozen food locker.
 - (j) Laundry, cleaning and dyeing works, and carpet and rug cleaning.
 - (k) Distribution plants, parcel delivery, ice and cold storage plant, bottling plant and food commissary or catering establishments.
 - (l) Wholesale business, storage buildings, and warehouses.
 - (m) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, crystal holders, and the like.
 - (n) Laboratories, experimental, photo or motion picture, film, or testing.
 - (o) Veterinary or dog or cat hospitals, and kennels.
 - (p) Poultry or rabbit killing incidental to a retail business on the same premises.

2. Uses to be conducted wholly within completely enclosed building or within an area enclosed on all sides with a solid wall, compact evergreen hedge or uniformly painted board fence, not less than six (6) feet in height.
 - (a) Building material sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, but excluding concrete mixing.
 - (b) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
 - (c) Retail lumber yard, including only incidental mill work.
 - (d) Feed and fuel yard.
 - (e) Draying, freighting or trucking yard or terminal.
 - (f) Public utility service yard or electric receiving or transforming station.
 - (g) Small boat building, except shipbuilding.
3. Other uses similar to the above, as provided for in Chapter XVII, A, 2.
4. Accessory uses when located on the same lot.
5. Loading space as required in Chapter XVII, A, 7.
6. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed three (3) storeys or forty-five (45) feet in height.

C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. FRONT YARD. Where all the frontage is located in the "M1" District, no front yard shall be required. Where the frontage is located partly in the "M1" District and an "A", "RA" or "R" District, the front yard requirement of the "A", "RA" or "R" District shall apply in the "M1" District.

2. SIDE YARDS. Where the side of a lot in the "M1" District abuts upon the side of a lot in an "A", "RA" or "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width.

Where a reversed corner lot rears upon the side of a lot in an "A", "RA" or "R" District, the side yard on the street side of the reversed corner lot shall be not less than fifty (50) per cent of the front yard required on the lots in the rear of such corner lot (excluding key lots), but such side yard need not exceed ten (10) feet in width. No accessory building on said reversed corner lot shall project beyond the front yard line required on the key lot in the rear, nor shall be located nearer than five (5) feet to the side lot line of such key lot.

Provided, however, that this regulation shall not be so interpreted as to reduce the buildable width of a reversed corner

lot of record at the time this By-law became effective to less than twenty-eight (28) feet for a main building, nor less than twenty (20) feet for an accessory building. In all other cases, a side yard for a commercial or industrial building shall not be required, but if provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R3" District.

3. REAR YARD. No rear yard shall be required except where the "M1" District abuts upon an "A", "RA", or "R" District, in which case there shall be a rear yard of not less than twenty-five (25) per cent of the depth of the lot, but such rear yard need not exceed twenty-five (25) feet for interior lots nor fifteen (15) feet for corner lots.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R3" District.

4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R3" District.

CHAPTER XV

"M2" LIGHT INDUSTRIAL DISTRICTS

The following regulations shall apply in the "M2" Light Industrial District:

- A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
 1. Any use permitted in the "M1" District, within or without a building or an enclosed area.
 2. Any other use except those first permitted in the "M3" District; or those uses which are or may become obnoxious or offensive by reason of the emission of odor, dust, smoke, noise, gas, fumes, cinders, vibration, refuse matter, or water carried waste, as determined by the Zoning Board.
 3. Accessory uses when located on the same lot.
 4. Loading space as required in Chapter XVII, A, 7.
 5. Automobile parking space required for dwellings and for buildings other than dwellings, as provided for in Chapter XVII, A, 6.

- B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed one hundred fifty (150) feet in height; provided, however, that where any such building, structure or enlargement exceeds a height of one hundred (100) feet, that portion thereof above said height shall be set back from the required yard lines, or lot lines where no yards are required, at least one (1) foot for each four (4) feet of height above one hundred (100) feet.

- C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement.

1. FRONT YARD. Where all the frontage is located in the "M2" District, no front yard shall be required. Where the frontage is located partly in the "M2" District and an "A", "RA", or "R" District, the front yard requirement of the "A", "RA" or "R" District shall apply in the "M2" District.
2. SIDE YARDS. Where the side of a lot in the "M2" District abuts upon the side of a lot in an "A" or "R" District, there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if a side yard is provided it shall not be less than three (3) feet in width.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the side yard regulations of the "R4" District.

3. REAR YARD. No rear yard shall be required except where the "M2" District abuts upon an "A", "RA" or "R" District, in which case there shall be a rear yard of not less than twenty (20) feet for interior lots nor less than ten (10) feet for corner lots.

Buildings hereafter erected and used exclusively for residential purposes shall comply with the rear yard regulations of the "R4" District.

4. LOT AREA. Buildings hereafter erected and used wholly or partly for dwelling purposes shall comply with the lot area requirements of the "R4" District.

CHAPTER XVI

"M3" HEAVY INDUSTRIAL DISTRICTS

The following regulations shall apply in the "M3" Heavy Industrial District:

- A. USE No building, structure or land shall be used and no building or structure shall be hereafter erected, structurally altered, enlarged or maintained, except for the following uses:
 1. Any use permitted in the "M2" District provided, however, that no building, structure or portion thereof shall be hereafter erected, structurally altered, converted, used or maintained for any use permitted in any "R" District, except accessory buildings which are incidental to the use of the land.

2. Acetylene gas manufacture or storage.
3. Alcohol manufacture.
4. Ammonia, bleaching powder, or chlorine manufacture.
5. Asphalt manufacture or refining.
6. Automobile wrecking, if conducted wholly within a building.
7. Blast furnace or coke oven.
8. Boiler works.
9. Brewery.
10. Brick, tile or terra cotta manufacture.
11. Chemical manufacture.
12. Concrete or cement products manufacture.
13. Cotton gin or oil mill.
14. Fish smoking, curing, or canning.
15. Flour and Feed mill.
16. Freight classification yard.
17. Iron, steel, brass or copper foundry or fabrication plant.
18. Lamp black manufacture.
19. Liquid air manufacture.
20. Oilcloth or linoleum manufacture.
21. Oil drilling and production of oil, gas or hydrocarbons.
22. Ore reduction.
23. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
24. Paper and pulp manufacture.
25. Petroleum products or wholesale storage of petroleum.
26. Plastic manufacture.
27. Potash works.
28. Pyroxlin manufacture.
29. Quarry or stone mill.
30. Railroad repair shops.
31. Rock, sand or gravel distribution; rock, sand or gravel excavating or crushing.
32. Rolling mills.
33. Rubber or gutta-percha manufacture or treatment.
34. Salt works.
35. Soap manufacture.
36. Soda and compound manufacture.
37. Stove or shoe polish manufacture.
38. Tar distillation or tar products manufacture.
39. Wool pulling or scouring.
40. And in general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like; provided, however, that none of the following uses shall be located nearer than five hundred (500) feet to a more restricted district:
 - (a) Acid manufacture.
 - (b) Automobile wrecking area.
 - (c) Cement, lime, gypsum or plaster of paris manufacture.
 - (d) Distillation of bones.
 - (e) Drop forge industries manufacturing forgings with power hammers.
 - (f) Explosives, manufacture or storage.
 - (g) Fat rendering, except as incidental use.
 - (h) Fertilizer manufacture.
 - (i) Garbage, offal or dead animal reduction or dumping.
 - (j) Gas manufacture.
 - (k) Glue manufacture.
 - (l) Petroleum refining.
 - (m) Smelting of tin, copper, zinc, or iron ores.
 - (n) Stock yards or feeding pens.
 - (o) Slaughter of animals.
 - (p) Tannery or the curing or storage of raw hides.
 - (q) Storage, sorting, collecting or bailing of rags, paper, iron or junk.
41. Accessory uses when located on the same lot.
42. Loading space as required in Chapter XVII, A, 7.
43. Automobile parking space, for buildings other than dwellings, as required in Chapter XVII, A, 6.

- B. HEIGHT No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained to exceed one hundred-fifty (150) feet in height provided, however, that where any such building, structure or enlargement exceeds a height of one hundred (100) feet, that portion thereof above said height shall be set back from the required yard lines, or lot lines where no yards are required, at least one (1) foot for each four (4) feet of height above one hundred (100) feet.

- C. AREA No building or structure nor the enlargement of any building or structure shall be hereafter erected or maintained unless the following yards and lot areas are provided and maintained in connection with such building, structure or enlargement:

1. FRONT YARD. Where all the frontage is located in the "M3" District, no front yard shall be required. Where the frontage is located partly in the "M3" District and an "A", "RA" or "R" District, the front yard requirement in the "A", "RA" or "R" District shall apply in the "M3" District.
2. SIDE YARDS. Where the side of a lot in the "M3" District abuts upon the side of a lot in an "A", "RA" or "R" District there shall be a side yard of not less than ten (10) per cent of the width of the lot, but such side yard need not exceed five (5) feet and shall not be less than three (3) feet in width. In all other cases, a side yard for a commercial or industrial building shall not be required, but if a side yard is provided it shall not be less than three (3) feet in width.
3. REAR YARD. No rear yard shall be required except where the "M3" District abuts upon an "A", "RA" or "R" District, in which case there shall be a rear yard of not less than twenty (20) feet for interior lots nor less than ten (10) feet for corner lots.

CHAPTER XVII

GENERAL PROVISIONS

A. USE

1. **CONFORMANCE AND PERMITS REQUIRED.** No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved, or maintained, nor shall any building, structure or land be used, designed, or intended to be used for any use other than is permitted in the district in which such building, structure or land is located and then only after applying for and securing all permits and licenses required by all laws and By-laws.
2. **OTHER USES DETERMINED BY ZONING BOARD.** Where the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Zoning Board as evidenced by a written decision, are similar to and not more objectionable to the general welfare than the uses listed in the same chapter and, in any specific case, not more objectionable to the welfare of the particular community than such listed uses. Any "other uses" so determined by the Zoning Board shall be regarded as listed uses. In no instance, however shall the Zoning Board determine, nor shall these regulations be so interpreted, that a use shall be permitted in a district when such use is specifically listed as first permissible in a less restricted district; i.e., a use specifically listed in the "R3" District shall not be permitted in the "R2" District.
3. **NEW AREAS.** Any areas annexed shall automatically become "R1" classification until the Planning Commission has an opportunity to study the area and make its recommendation thereon and the final plan is adopted by Council. The Commission shall make its final recommendation to Council within three (3) months.
Any area shown as parks, playground, exhibition ground, airport, golf course, race track, or cemetery on the zoning district map shall not be used for any purpose other than those uses permitted in the "R1" District, unless property is classified by the commission and approved by the council for another use.
4. **NOXIOUS USES.** Notwithstanding anything herein contained, no use shall be permitted in any district other than the "M3" District which may be noxious or offensive by reason of the emission or production of odor, dust, refuse matter, wastes, vapour, smoke, gas, vibration or noise. This shall not be so interpreted as to overrule Clause 5.
5. **PUBLIC UTILITIES AND RAILWAYS.** For the purpose of this By-law nothing herein shall be so interpreted as to interfere with the construction, maintenance and operation of the facilities of any public utility or public service, including railway tracks and rights-of-way, on any property where such use lawfully existed at the time this By-law became effective.
6. **AUTOMOBILE PARKING SPACE.** There shall be provided at the time of the erection of any main building or structure or at any time any main building or structure is enlarged or increased in capacity, minimum off-street parking accommodation with adequate provision for ingress and egress by standard size automobiles as follows:
 - (a) **FOR DWELLINGS.** There shall be at least one (1) permanently maintained parking space on the same lot with the main building or the enlargement of a main building, for each dwelling unit in the case of a new building or for each dwelling unit added to an existing building. Such parking space shall not be less than eight (8) feet wide and eighteen (18) feet long.
In the "C", "CM", "M1" and "M2" Districts there shall be at least one (1) permanently maintained parking space of two hundred fifty (250) square feet on the same lot with the main building or the enlargement of a main building, for each dwelling unit in the case of a new building or for each dwelling unit added to an existing building.
 - (b) **FOR BUILDINGS OTHER THAN DWELLINGS.** For a new building or structure or for the enlargement or increase in seating capacity, floor area or guest rooms of any existing main building or structure, there shall be at least one (1) permanently maintained parking space of two hundred fifty (250) square feet as follows:
 - (1) For church, high school, college and university auditoriums and for theatres, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every ten (10) seats provided in said buildings or structures.
 - (2) For hospitals and welfare institutions, at least one (1) parking space for every one thousand (1000) square feet of floor area in said building.
 - (3) For hotels, apartment hotels and clubs, at least one (1) parking space for each of the first twenty (20) individual guest rooms or suites; one (1) additional parking space for every four (4) guest rooms or suites in excess of twenty (20), but not exceeding forty (40); and one (1) additional parking space for every six (6) guest rooms or suites in excess of forty (40) guest rooms or suites, provided in said buildings.
 - (4) For tourist courts, at least one (1) parking space for each individual sleeping or living unit.

- (5) For commercial buildings or structures having a floor area of more than three thousand (3,000) square feet, at least one (1) parking space for every five hundred (500) square feet of gross floor area in said buildings or structures, excluding automobile parking space.

Parking space as required above shall be on the same lot with the main building or structure or located not more than one thousand (1000) feet therefrom.

7. **LOADING SPACE.** Every hospital, institution, hotel, commercial or industrial building hereafter erected or established on a lot which abuts upon a lane or is surrounded on all sides by streets, shall have one (1) permanently maintained loading space of not less than ten (10) feet in width, twenty (20) feet in length measured perpendicularly to the lane, and fourteen (14) feet in height, for each two thousand (2000) square feet of lot area upon which said building is located; provided, however, that not more than two (2) such spaces shall be required, unless the building on such lot has a gross floor area of more than eighty thousand (80,000) square feet, in which case there shall be one (1) additional loading space for each additional forty thousand (40,000) square feet (in excess of eighty thousand (80,000) square feet) or fraction thereof above ten thousand (10,000) square feet.
8. **PUBLIC PARKING AREAS - AUTOMOBILE AND TRAILER SALES AREAS.** Every parcel of land hereafter used as a public parking area or automobile and trailer sales area shall be developed as follows, subject to the approval of plans thereof by the Zoning Board:
 - (a) Such area shall be paved with an asphaltic or concrete surfacing; shall have appropriate bumper guards where needed, and shall be properly enclosed with an ornamental fence or wall, having a height of not less than two (2) feet and maintained at a height of not more than six (6) feet. Such fence or wall shall be maintained in good condition, and shall observe the required front yard and the required side yard along the street side of a corner lot of the district in which it is located, and such required front and side yard shall be landscaped and properly maintained.
 - (b) Where such area adjoins the side of a lot in an "A", "RA" or "R" District, a six (6) foot masonry wall shall be erected and maintained at least five (5) feet from the side of such lot and suitable landscaping shall be planted and maintained in the space between the parking lot wall and the adjoining property. Provided, however, that such wall shall not extend into the front yard required on the lot on which it is located.
 - (c) Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in an "A", "RA" or "R" District.

B. HEIGHT

1. **HEIGHT CONFORMANCE.** Except as hereinafter provided, no building or structure nor the enlargement of any building or structure shall be hereafter erected, reconstructed or maintained which exceeds the height limit established for the district wherein such building or structure is located.

C. AREA

1. **AREA REQUIREMENTS.** Except as hereinafter provided, no building or structure nor the enlargement of any building or structure shall be hereafter erected, located or maintained on a lot unless such building, structure or enlargement conforms with the area regulations of the district in which it is located.
 - (a) No parcel of land held under separate ownership at the time this By-law became effective, shall be reduced in any manner below the minimum lot area, size or dimensions required by this By-law.
 - (b) No lot area shall be so reduced, diminished and maintained that the yards, other open spaces or total lot area, shall be smaller than prescribed by this By-law, nor shall the density of population be increased in any manner except in conformity with the regulations herein established.
 - (c) No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this By-law, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.
 - (d) Every building hereafter erected shall be located on a lot as herein defined. In no case shall there be more than one (1) main residential building and its accessory buildings on one (1) lot. Group dwellings and institutions, court apartments, garden apartments, row dwellings, and a unit group of dwellings may be considered as one (1) main residential building.
 - (e) No building permit shall be issued for a building or structure on a lot which abuts a street dedicated to a portion of its required width and located on that side thereof from which no dedication was secured, unless the

yards provided on such lot include both that portion of the lot lying within the future street and the required yards.

- (f) No building permit shall be issued for a building or structure on a corner lot when such building or structure is to be oriented in such a manner as to reduce the front yard requirement on the street on which such corner lot has its frontage at the time this By-law became effective.
 - (g) Every required front, side and rear yard shall be open and unobstructed from the ground to the sky.
 - (h) At each end of a through lot there shall be a front yard of the depth required by this By-law, for the district in which each street frontage is located; provided, however, that one of such front yards may serve as a required rear yard.
2. GROUP DWELLINGS REARING ON SIDE YARDS. Dwellings may be arranged to rear upon side yards or have their service entrances opening thereon, provided the following regulations are complied with:
 - (a) In the case of group dwellings or court apartments, the required side yards shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet, except that for court apartments more than three (3) storeys in height each side yard shall be increased one (1) foot in width for each additional storey above the third storey. The average width of the court shall not be less than three (3) times the width of the side yard required in this provision.
 - (b) In the case of row dwellings or a unit group of dwellings (including one-family, two-family or multiple dwellings not more than two and one-half (2½) storeys in height) arranged so as to rear upon one side yard and front upon the other, the side yard upon which the dwellings rear shall be increased by six (6) inches for each dwelling unit or portion thereof abutting such side yard, but said side yard need not exceed seven (7) feet. The average width of the side yard upon which the dwellings front shall not be less than one and one-half (1½) times the width of the other side yard, as required above.
 - (c) In the grouping of dwellings as permitted in this paragraph, the minimum distance between detached dwellings shall not be less than ten (10) feet, and the front and rear yard requirements for lots in the district in which such dwellings are located, shall be complied with.
 3. YARDS FOR SCHOOLS, HOSPITALS, SANITARIA AND INSTITUTIONS. In the "R" Districts, no buildings shall be hereafter erected, enlarged or used for a school, hospital, sanitarium or institution, unless the side yards of such buildings are equivalent to four (4) times the width of the required side yards for the district in which such buildings are located, and provided that no front yard, as required in the district, nor any side yard as required above, shall be used for parking of automobiles. Provided, however, that where a lot has a width of less than one hundred (100) feet and was held under separate ownership or was of record at the time this By-law became effective, the above yard requirement on each side of such buildings, provided they do not exceed three (3) storeys in height, may be reduced to twenty (20) per cent of the width of the lot, but in no case less than ten (10) feet.
 4. YARDS FOR CHURCHES, PARISH HALLS, LIBRARIES, ART GALLERIES, MUSEUMS, PRIVATE CLUBS, LODGES, FRATERNITY AND SORORITY HOUSES. In the "R" Districts, no buildings shall be hereafter erected, enlarged or used for a church, parish hall, library, art gallery, museum, private club, lodge, fraternity or sorority house, unless the side yards of such buildings are equivalent to three (3) times the width of the required side yards for the district in which such buildings are located, and provided that no front yard, as required in the district, nor any side yard as required above, shall be used for parking of automobiles. Provided, however, that where a lot has a width of less than ninety (90) feet and was held under separate ownership or was of record at the time this By-law became effective, the above yard requirements on each side of such buildings, provided they do not exceed three (3) storeys in height, may be reduced to twenty (20) per cent of the width of the lot, but in no case less than ten (10) feet.
 5. YARDS FOR GROUP BUILDINGS. In the case of group buildings (dwellings or institutions) the yards on the boundary of the site shall not be less than those required in the district in which the property is located nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of the above yards, depending upon the arrangement and relationship of the buildings.
 6. CORNER LOTS IN THE "C1" DISTRICT. In the "C1" districts the front of a corner lot may be assumed to be on either street provided (a) that where the building on the corner faces the intersecting street the full front yard required for the dwellings in the rear of such building shall be observed along the street side of such corner lot; (b) that no front yard shall be required for the building facing the intersecting street unless it adjoins a lot whereon a front or side yard is required along the same intersecting street, in which case a front yard shall be required equivalent to the yard requirement on the adjoining lot but in no case shall a front yard of more than five (5) feet be required.

7. LOT AREA - TOURIST COURTS. A tourist court, wherever permitted under the regulations of this By-law, shall have a lot area of not less than eight hundred (800) square feet for each individual sleeping or living unit.

CHAPTER XVIII

EXCEPTIONS

A. USE

1. AUTOMOBILE PARKING SPACE. The requirements of off-street parking accommodation as required in Chapter XVII, A, 6, shall not apply in the area bounded by the following lines: Commencing at the intersection of the Canadian National Railway Main Line with the Winnipeg Transfer Railway, thence southerly following said Main Line to the northern limit of York Avenue: thence westerly following the Northern limit of York Avenue to the Eastern limit of Memorial Boulevard: thence Northerly following said Eastern limit of Memorial Boulevard and the Eastern limits of Colony Street and Balmoral Street to the Southern limit of Qu'Appelle Avenue: thence Easterly along the Southern limit of Qu'Appelle Avenue to the Eastern limit of Hargrave Street: thence Northerly along the Eastern limits of Hargrave Street and Charlotte Street to a point One hundred feet North of Notre Dame Avenue: thence Easterly parallel with Notre Dame Avenue to the Eastern limit of Adelaide Street: thence Northerly along the Eastern limit of Adelaide Street to the Northern limit of William Avenue: thence Easterly along the Northern limit of William Avenue to a point One hundred and Fifteen feet West of Princeas Street: thence Northerly parallel with Princess Street to the Southern limit of Elgin Avenue: thence Easterly along the Southern limit of Elgin Avenue to the Eastern limit of King Street: thence Northerly along the Eastern limit of King Street to the Southern limit of Logan Avenue: Thence Easterly along the Southern limit of Logan Avenue to the Western limit of Martha Street: thence Southerly along the Western limit of Martha Street to the Southern limit of Alexander Avenue: thence Easterly along the Southern limit of Alexander Avenue to a point in line with the Western limit of Louise Street: thence Southerly to and along the Western limit of Louise Street to the Southern limit of Market Avenue: thence Easterly along the Southern limit of Market Avenue to the Western limit of Rorie Street: thence Southerly along the Western limit of Rorie Street to the Canadian National Railway Spur track between Market and Bannatyne Avenues: thence Easterly and Southerly along the Canadian National Spur track and Winnipeg Transfer Railway to the place of commencement.

B. HEIGHT

1. THREE-STOREY SCHOOLS - TWO AND ONE-HALF STOREY DISTRICTS. In the districts limiting the height to two and one-half (2½) storeys or thirty-five (35) feet, schools may be increased in height to three (3) storeys or forty-five (45) feet, provided they comply with the side yards required for three (3) storey schools in Chapter XVII, C, 3.
2. BUILDINGS EXCEEDING THREE STOREYS - THREE STOREY DISTRICT. In the districts limiting the height to three (3) storeys or forty-five (45) feet, hospitals, sanitarium or institutions may be erected to a height not exceeding six (6) storeys or seventy-five (75) feet, provided they comply with the side yards required for hospitals, sanitarium and institutions more than three (3) storeys in height, in Chapter XVII, C, 3.
3. THROUGH LOTS - 150 FEET OR LESS IN DEPTH. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
4. THROUGH LOTS - MORE THAN 150 FEET IN DEPTH. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from that street.
5. STRUCTURES PERMITTED ABOVE HEIGHT LIMIT. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, or similar structures may be erected above the height limits herein prescribed, but no penthouse or roof structure, or any space above the height limit shall be allowed for the purpose of providing usable floor space.

C. AREA

1. BUILDING LINES OR ALIGNMENTS. Building lines or alignments established by another By-law prior to the adoption of this By-law shall govern and supersede the front yard requirements, provided (a) that such established building lines or alignments have a depth, or width as the case may be, of fifteen (15) feet or more and (b) that lots comprising forty (40) per cent or more of the frontage are developed with buildings having an average front yard of fifteen (15) feet or less.
In all other cases front yard requirements of the district in which the property is located shall apply and any open space less than fifteen (15) feet required by previously established building lines or alignments may be assumed to be a portion of the front or side yard, as the case may be.
2. YARD REGULATIONS MODIFIED. On lots of irregular shape where the yard regulations can be determined but cannot reasonably be complied with, or on lots so located that appropriate improvement cannot be secured through strict adherence to the yard

regulations, the yard regulations may be modified by the Zoning Board as provided for in Chapter XXI.

3. **YARD REGULATIONS DETERMINED.** Where the yard regulations cannot be determined on lots of peculiar shape, such regulations shall be determined by the Commissioner of Buildings before issuing a building permit.
4. **FRONT AND SIDE YARDS - UNIT DEVELOPMENT.** Where an Entire Frontage in an "R1" District is designed and developed as a unit, the following provisions shall apply: (a) The front yard requirement may be varied by not more than five (5) feet in either direction (i.e. from twenty (20) to thirty (30) feet in the case of a required front yard of twenty-five (25) feet) provided the average front yard for the entire frontage is not less than the minimum front yard required in the district; (b) the side yard requirements may also be varied, provided that the total combined width of the two side yards on a lot is not less than that required for lots in the district, that no side yard shall be less than three (3) feet, and that the minimum distance between the sides of buildings shall not be less than ten (10) feet.
5. **SIDE YARD WAIVED.** For the purpose of side yard regulations, the following dwellings with common party walls shall be considered as one (1) building, occupying one (1) lot; semi-detached two and four-family dwellings, row dwellings, group dwellings and court apartments.
6. **REAR YARD - INCLUDES ONE-HALF LANE.** In computing the depth of a rear yard where such yard opens onto a lane, one-half ($\frac{1}{2}$) the width of such lane may be assumed to be a portion of the required rear yard.
7. **REAR YARD - INCLUDES LOADING SPACE.** Loading space provided in accordance with this By-law may occupy a required open rear yard.
8. **REAR YARD - ACCESSORY BUILDING.** An accessory building not exceeding one (1) storey nor fourteen (14) feet in height may occupy not more than thirty (30) per cent of the area of a required rear yard.
In no case, however, shall a two (2) storey accessory building occupy any part of a required rear yard nor be located nearer than (5) feet to any lot line.
9. **LOT AREA - INCLUDES ONE-HALF LANE.** In computing the lot area of a lot which abuts upon one or more lanes, one-half ($\frac{1}{2}$) the width of such lane or lanes may be assumed to be a portion of the lot.
10. **LOT AREA ACREAGE- INCLUDES ONE-HALF STREET.** In computing the lot area of a lot in the "A1" and "RA" Districts, that portion of the width of all abutting streets or highways, which would normally revert to the lot if the street were vacated, may be assumed to be a portion of the lot.
11. **THROUGH LOT - ACCESSORY BUILDING.** Where a through lot has a depth of less than one hundred fifty (150) feet, an accessory building not exceeding one (1) storey nor fourteen (14) feet in height may be located in one of the required front yards, if such building is set back from the front lot line a distance of not less than ten (10) per cent of the depth of the lot and at least five (5) feet from any side lot line. In no case shall an accessory building project beyond the front yard line of an existing main building along the frontage, but such accessory building need not be located more than twenty-five (25) feet from the street line.
12. **THROUGH LOT - MAY BE TWO LOTS.** Where a through lot has a depth of one hundred fifty (150) feet or more, said lot may be assumed to be two lots with the rear line of each approximately equidistant from the front lot lines, provided all area requirements are complied with. In no case shall an accessory building project beyond the front yard line of an existing main building along the frontage, but such accessory building need not be located more than twenty-five (25) feet from the street line.
13. **PROJECTIONS INTO YARDS.**
 - (a) A porte cochere may be permitted over a driveway in a side yard, provided such structure is not more than one (1) storey in height and twenty (20) feet in length, and is entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features.
 - (b) Cornices, eaves, belt courses, sills, canopies, or other similar architectural features (not including bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys may also project into a required front, side or rear yard not more than one (1) foot, provided the width of such side yard is not reduced to less than three (3) feet.
 - (c) Fire escapes may extend or project into any front, side or rear yard not more than four (4) feet.
 - (d) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4) feet, and such balconies may extend into a required front yard not more than thirty (30) inches.
 - (e) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into any front, side or rear yard not more than six (6) feet.

(f) Open, unenclosed porches, platforms or landing places, not covered by a roof or canopy, which do not extend above the level of the first floor of the building, may extend or project into a court a distance of not more than twenty (20) per cent of the width of such court, but in no case more than six (6) feet.

(g) Openwork ornamental fences, hedges, landscape architectural features, or guard railing for safety protection around depressed ramps, may be located in any front, side or rear yard if maintained at a height not more than three and one-half ($3\frac{1}{2}$) feet above the average ground level adjacent thereto. Provided, further, that an openwork type railing not more than three and one-half ($3\frac{1}{2}$) feet in height may be installed or constructed on any balcony, stairway, porch, platform or landing place mentioned above in sub-paragraphs (d), (e) and (f).

(h) A fence, lattice-work screen, or wall, not more than six (6) feet in height, or a hedge or thick growth of shrubs or trees, maintained so as not to exceed six (6) feet in height, may be located in any required front yard in the "A" or "RA" Districts and in any required side or rear yard, provided that in the "R" Districts they do not extend into the required front yard nor into the side yard required along the side street on a corner lot, which in this case shall also include that portion of the rear yard abutting the intersecting street wherein accessory buildings are prohibited, and provided further, that this provision shall not be so interpreted as to prohibit the erection of an open mesh type fence enclosing an elementary or secondary school site.

(i) Landscape features, such as trees, shrubs, flowers or plants, shall be permitted in any required front, side or rear yard provided they do not produce a hedge effect contrary to the provisions of sub-paragraph (g) above.

(j) Name plates, bulletin boards, or signs appertaining to the prospective sale, lease or rental of the premises on which they are located, as permitted in this By-law, shall be allowed in any required front, side or rear yard.

(k) The above structures or features, however, shall not be located and maintained so as to preclude complete access at all times about a main building. Provided, that gates or other suitable openings at least two and one-half ($2\frac{1}{2}$) feet in width shall be deemed adequate for such access.

CHAPTER XIX

NON-CONFORMING BUILDINGS AND USES

A. NON-CONFORMING BUILDINGS

1. **MAINTENANCE PERMITTED.** A non-conforming building or structure may be maintained, except as otherwise provided in this chapter.
2. **REPAIRS - ALTERATIONS.** Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made except those required by law or by-law.
3. **ADDITIONS - ENLARGEMENTS - MOVING.**
 - (a) A non-conforming building or structure shall not be added to or enlarged in any manner unless such building or structure, including such additions and enlargements, is made to conform to all the regulations of the district in which it is located.
 - (b) A building or structure which does not comply with height or area regulations shall not be added to or enlarged in any manner unless such addition and enlargement conforms to all the regulations of the district in which it is located. Provided, that the total aggregate floor area included in all such separate additions and enlargements does not exceed fifty (50) per cent of the floor area contained in said building or structure and that the total aggregate value of all such separate additions and enlargements does not exceed the assessed value of said building or structure at the time this By-law became effective.
 - (c) A building or structure lacking sufficient automobile parking space in connection therewith as required in Chapter XVII, A, 6, may be altered or enlarged to create additional dwelling units in the case of dwellings, seats in the case of churches, auditoriums, theatres, stadiums, and other similar places of assembly, floor area in the case of hospitals, institutions, commercial buildings, guest rooms in the case of hotels and clubs, and sleeping or living units in the case of tourist courts, provided additional automobile parking space is supplied to meet the requirements of Chapter XVII, A, 6, for such additional dwelling units, seats, floor area or guest rooms as the case may be.
 - (d) No conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the district in which it is located.
4. **RESTORATION DAMAGED BUILDINGS.** A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy, to the extent of not more than seventy-five (75) per cent of its value at that time, may be restored and the occupancy or use of such building, structure or part thereof, which existed at the time of such partial destruction, may

be continued or resumed, provided the total cost of such restoration does not exceed seventy-five (75) per cent of the value of the building or structure at the time of such damage and that such restoration is started within a period of one (1) year and is diligently prosecuted to completion. In the event such damage or destruction exceeds seventy-five (75) per cent of the value of such non-conforming building or structure, no repairs or reconstruction shall be made unless every portion of such building or structure is made to conform to all regulations for new buildings in the district in which it is located.

5. ONE YEAR VACANCY. A non-conforming building, structure or portion thereof, which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.
6. REMOVAL. The Municipal Council, on its own motion or upon petition of the owners of fifty (50) per cent or more of the area of all property within two hundred (200) feet of a non-conforming building, after a report from the Town Planning Commission (or Metropolitan Planning Commission) and after public notice and hearing may initiate proceedings for the removal of a non-conforming building, and shall have the power to acquire and remove such building in accordance with the same procedure now followed in the acquisition of property. The Council shall also have power to assess the total cost of such acquisition and removal against all the properties in the neighborhood of such non-conforming building which, in the judgment of the Council, will be benefited by such removal.

B. NON-CONFORMING USE OF BUILDINGS

1. CONTINUATION AND CHANGE OF USE. Except as otherwise provided in this chapter, (a) the non-conforming use of a building or structure, existing at the time this By-law became effective, may be continued; (b) the use of a non-conforming building or structure may be changed to a use of the same or more restricted classification; but where the use of a non-conforming building or structure is hereafter changed to a use of a more restricted classification it shall not thereafter be changed to a use of a less restricted classification; (c) a vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the effective date of this By-law, and the use of a non-conforming building or structure which becomes vacant after the effective date of this By-law, may also be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the building becomes vacant; (d) where a non-conforming building or use is removed for any cause, every future use of the premises shall be in conformity with the regulations of the district in which it is located.
2. EXPANSION PROHIBITED. A non-conforming use of a conforming building or structure, i.e. commercial use in a dwelling, shall not be expanded or extended into any other portion of such conforming building or structure nor changed except to a conforming use. If such a non-conforming use or portion thereof is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located.
3. NON-CONFORMING USE DISCONTINUED. All non-conforming uses of conforming buildings or structures shall be discontinued not later than five (5) years from the effective date of this By-law.

C. NON-CONFORMING USE OF LAND

1. CONTINUATION OF USE. The non-conforming use of land (where no main building is involved), existing at the time this By-law became effective, may be continued for a period of not more than five (5) years therefrom, provided:
 - (a) That no such non-conforming use of land shall in any way be expanded or extended either on the same or adjoining property.
 - (b) That if such non-conforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this By-law.
 - (c) That any sign, billboard, commercial advertising structure, or statuary, which is lawfully existing and maintained at the time this By-law became effective, may be continued, although such use does not conform with the provisions hereof; provided, however, that no structural alterations are made thereto and provided, further, that all such non-conforming signs, billboards, commercial advertising structures and statuary, and their supporting members, shall be completely removed from the premises not later than five (5) years from the effective date of this By-law.

D. NON-CONFORMING DUE TO RECLASSIFICATION

1. The foregoing provisions of this chapter shall also apply to buildings, structures, land, or uses which hereafter become non-conforming due to any reclassification of districts under this By-law or any subsequent change in the regulations of this By-law.

CONDITIONAL USES PERMITTED

A. ADDITIONAL USES

The City Council, after a public hearing, may permit the following uses in any district from which they are prohibited by this By-law, or in specific districts as herein provided, where such uses are deemed essential or desirable to the public convenience or welfare, and are in harmony with the various elements or objectives of the master plan.

1. Airports or aircraft landing fields.
2. Cemeteries.
3. Circus or amusement enterprise of a similar type, transient in character.
4. Columbariums, crematories or mausoleums.
5. Development of natural resources (excluding the drilling for or producing of oil, gas or other hydrocarbon substances) together with the necessary buildings, apparatus or appurtenances incident thereto.
6. Educational institutions.
7. Government enterprises (federal, provincial and local).
8. Hospitals or sanitariums.
9. Libraries or museums, public.
10. Nurseries or greenhouses.
11. Nursing Homes.
12. Parks, playgrounds, or recreational or community centres, privately operated.
13. Philanthropic or correctional institutions.
14. Private clubs, fraternity or sorority houses.
15. Public utilities and public service uses or structures.
16. Radio or television transmitters.
17. Trailer camps, public camps, or tourist courts, on any property having frontage on a federal or provincial highway.
18. Large scale neighborhood housing projects, provided the buildings comply with the height and area regulations of the district in which they are located. In no case shall the yards on the boundary of the site be less than those required in the district in which the property is located nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of the above yards, depending upon the arrangement and relationship of the buildings.
19. New self-contained communities with town lot subdivision in the "A1" and "RA" Districts, provided adequate open spaces and municipal facilities, utilities, and services are made available in a manner satisfactory to the Commission. Upon the approval of the location and design of any such self-contained community, the Commission shall initiate any rezoning of the affected area which, in its judgment, is necessary or desirable.
20. Garden apartments in "R2" Two-family Districts, provided they have a minimum site of three (3) acres, occupy not more than twenty-five (25) per cent of the lot area, exclusive of accessory buildings and the buildings comply with the height and area regulations of the "R2" District. In no case shall the yards on the boundary of the site be less than those required in the "R2" District, nor shall the distance between buildings within the site be less than the sum of two required front, side or rear yards or a combination of two of the above yards, depending upon the arrangement and relationship of the buildings.

B. PROCEDURE

Written applications for the approval of the uses referred to in this chapter shall be filed in the Town Planning office upon forms prescribed for that purpose by the Municipal Authority.

The Commission shall review each application and shall transmit its findings and recommendations in writing to the City Council within twenty (20) days from the date of filing of an application.

The City Council shall make its findings and determination in writing within sixty (60) days from the date of filing of an application and shall forthwith transmit a copy thereof to the applicant.

In approving the uses referred to in this Chapter, the City Council shall have authority to impose such conditions as it deems necessary to protect the best interests of the surrounding property or neighborhood and the Master Plan.

ZONING BOARD — ADJUSTMENTS

A Zoning Board of Adjustment is hereby established. Said Board shall be appointed by the City Council and shall consist of seven (7) members, four (4) of whom shall be citizen members and three (3) of whom shall be members of the City Council, one from each Ward. Citizen members shall be appointed for terms of two (2) years, except in the first instance, when two (2) shall be appointed for one (1) year and two (2) for two (2) years. Retiring members shall be eligible for reappointment. The Board shall adopt its own rules of procedure and keep a record of its proceedings.

A. AUTHORITY OF BOARD

Where practical difficulties, unnecessary hardships or results inconsistent with the general purposes of this By-law may result from the strict and literal interpretation and enforcement of the provisions thereof, the Zoning Board, upon receipt of a verified application from the owner or lessee of the property affected, stating fully the grounds of the application and facts relied upon, shall have authority to grant, upon such conditions and safeguards as they may determine, such variances therefrom as may be in

harmony with their general purpose and intent, so that the spirit of this By-law shall be observed, public safety and welfare secured, and substantial justice done, as follows:

- (a) Permit the extension of an existing or proposed conforming use into an adjoining more restricted district.
- (b) Permit a building or use, on a lot immediately adjoining or across a lane from a less restricted district, upon such conditions and safeguards as will tend to cause an effective transition from the less restricted to the more restricted district.
- (c) Permit an appropriate development or use on a lot which adjoins a building or use existing by virtue of a district variance or exception granted prior to the effective date of this By-law; but in no case shall such development or use extend more than sixty (60) feet from the adjoining lot line of said existing building or use.
- (d) Permit in the "A", "RA" or "R" Districts, public parking areas or storage garages adjacent to any existing or proposed use in the multiple dwelling, commercial, or industrial districts.
- (e) Permit the addition or enlargement of a non-conforming building or structure, provided such addition or enlargement complies with all height and area regulations of the district in which it is located and that the total aggregate floor area included in all such separate additions or enlargements does not exceed fifty (50) per cent of the floor area contained in said building or structure, and that the total aggregate value of all such separate additions or enlargements does not exceed the assessed value of said building or structure at the time it became non-conforming. Provided, further, that no such addition or enlargement shall be permitted which tends to prolong the life of the original building or structure and that such addition or enlargement shall be removed not later than the original building if removal is required in Chapter XIX, A, 6.
- (f) Permit, in the "R1", "R2" and "R3" Districts, a transitional use on a lot adjoining a non-conforming building, provided such transitional use shall only be a use permitted in the next less restricted district than the one in which the non-conforming building is located, such as an "R2" use in an "R1" District.
- (g) Permit in the "R2" District a multiple dwelling use in an existing building, provided the lot area per dwelling unit is not less than two thousand (2,000) square feet.
- (h) Permit the use of a non-conforming building or portion thereof which has been vacant or unoccupied for a continuous period of one (1) year, for a use other than that permitted in the district in which such non-conforming building is located, within two (2) years after the termination of the one (1) year vacancy, provided such use does not continue for more than two (2) years.
- (i) Permit a less restricted use in a more restricted district as follows: any "C" district use in any other "C" district; any "M1" use in the "C2", "C3" or "C4" districts; any "M1" use in the "CM" district (without limitation on the floor area to be used); any "M2" use in an "M1" district; and any "M3" use in an "M2" district, provided such use, due to its limited nature, modern devices, or building design, will be no more objectionable than the uses permitted in such district.
- (j) Permit such modification of the height and area regulations as may be necessary to secure an appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development of physical characteristics, that it cannot otherwise be appropriately improved without such modification.
- (k) Permit a one-family dwelling on the front portion of a lot in the "R1" District, where a one-family dwelling was constructed on the rear thereof prior to the first zoning of said lot in a one-family district.
- (l) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements; or permit the waiver of the requirement that automobile parking space be provided on the same lot with a dwelling, if other suitable and convenient parking space is available within or without a building.
- (m) Permit in connection with an authorized use, in the "A1" and "RA" Districts, such commercial or industrial uses as are purely incidental to such authorized use.
- (n) Permit temporary buildings and uses for periods of not to exceed two (2) years in undeveloped sections of the Municipality, and for periods of not to exceed six (6) months in developed sections.
- (o) Permit in the "M3" District the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings, under appropriate conditions and safeguards, pending the need of the area for industrial purposes, provided suitable sanitary and other facilities can be made available without extra expense to the Municipality.

B. DENIAL AND APPEAL

Upon the granting or denial of a variance by the Board as provided above, the applicant may, within fourteen (14) days from the date the notification of decision was mailed to said applicant, appeal to the Municipal and Public Utility Board by written notice of appeal filed with the Secretary of the latter Board. Said appeal shall be filed in duplicate, and shall set forth specifically wherein the findings of the Zoning Board were in error and wherein the decision is not in harmony with the general purpose and intent of this By-law, so that the spirit would be observed, public

safety and welfare secured and substantial justice done.

CHAPTER XXII

CERTIFICATE OF OCCUPANCY

No vacant land shall be occupied or used, except for agricultural uses, and no building hereafter erected or structurally altered shall be occupied or used until a Certificate of Occupancy shall have been issued by the Commissioner of Buildings.

- A. **CERTIFICATE OF OCCUPANCY FOR A BUILDING.** Certificate of occupancy for a new building or the enlargement or alteration of an existing building shall be applied for coincident with the application for a building permit, and said certificate shall be issued after the request for same shall have been made in writing to the Commissioner of Buildings after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a Temporary Certificate of Occupancy may be issued by the Commissioner of Buildings for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the Municipality relating to the use or occupancy of the premises or any other matter covered by this By-law, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.
- B. **CERTIFICATE OF OCCUPANCY FOR LAND.** Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except that of tilling the soil and growing therein of farm, garden or orchard products, and a Certificate of Occupancy shall be issued after the application has been made, provided such use is in conformity with the provisions of these regulations.
- C. **CERTIFICATE OF OCCUPANCY - CONTENTS - FILING - FEE.** Certificate of Occupancy shall state that the building or proposed use of a building or land complies with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Commissioner of Buildings and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land affected. A fee of two dollars (\$2.00) shall be charged for each original Certificate of Occupancy, and a fee of one dollar (\$1.00) each shall be charged for duplication copies of the certificate. No excavation for any building shall be started before application has been made for a Certificate of Occupancy.

CHAPTER XXIII

SITE PLANS

All applications for a Certificate of Occupancy shall be made on a printed form to be furnished by the Commissioner of Buildings and shall contain accurate information and dimensions as to the size and location of the lot; the size and location of the building or structure on the lot; the dimensions of all yards and open spaces; and such other information as may be necessary to provide for the enforcement of these regulations. Where complete and accurate information is not readily available from existing records, the Commissioner of Buildings may require the applicant to furnish a survey of the lot prepared by a registered land surveyor. A careful record of the original copy of such applications and site plans shall be kept in the office of the Commissioner of Buildings and the duplicate copy shall be kept at the building at all times during construction.

CHAPTER XXIV

BOUNDARIES OF DISTRICTS

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the district map accompanying and made a part of this By-law, the following rules shall apply:

- A. **STREETS OR LANES.** The district boundaries are either streets or lanes, unless otherwise shown, and where the indicated boundaries on said district map are approximately street or lane lines, said streets or lanes shall be construed to be the boundaries of such district.
- B. **LOT LINES.** Where the district boundaries are not shown to be streets or lanes, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the indicated boundaries on the district map are approximately lot lines, said lot lines shall be construed to be the boundaries of such district, unless said boundaries are otherwise indicated on the map.
- C. **SCALE ON MAP - DETERMINATION BY MUNICIPAL AUTHORITY.** Where the property is indicated on the district map as acreage and not subdivided into lots and blocks or where the district boundary lines are not approximately street, lane or lot lines, the district boundary lines on the district map shall be determined by the scale contained on such map, and where uncertainty exists, the district boundary line shall be determined by the Municipal Authority by written decision. In the event property shown as acreage on the district map has been or is subsequently subdivided into lots and blocks by a duly recorded subdivision map and the lot and block arrangement does not conform to that anticipated when the district boundaries were established, or property is resubdivided by a duly recorded subdivision map into a different arrangement of lots and blocks than shown on said district map, the Municipal Authority, after notice to the owner of property affected thereby and hearing, may interpret the district map and make minor readjustments in the district boundaries in such a way as to carry out the intent and purpose of these regulations and conform to

the street and lot layout on the ground. Such interpretations or adjustments shall be by written decision, and thereafter the copies of the district map shall be changed to conform thereto.

- D. **SYMBOL FOR DISTRICT.** Where one symbol is used on the district map to indicate the district classification of an area divided by a lane or lanes, said symbol shall establish the classification of the whole of such area.
- E. **STREET OR RIGHT OF WAY - ALLOCATION OR DIVISION.** A street, lane, railroad or railway right of way, watercourse, channel or body of water, included on the district map shall, unless otherwise indicated, be included within the district of adjoining property on either side thereof; and where such street, lane, right-of-way, watercourse, channel or body of water serves as a boundary between two or more different districts, a line midway in such street, lane, right-of-way, watercourse, channel or body of water, and extending in the general direction of the long dimension thereof shall be considered the boundary between districts.
- F. **VACATED STREET OR LANE.** In the event a dedicated street or lane shown on the district map is vacated by by-law, the property formerly in said street or lane shall be included within the district of the adjoining property on either side of said vacated street or lane. In the event said street or lane was a district boundary between two or more different districts, the new district boundary shall be the former center line of said vacated street or lane.

CHAPTER XXV

INTERPRETATION — PURPOSE AND CONFLICT

In interpreting and applying the provisions of this By-law they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this By-law to interfere with or abrogate or annul any easement, covenant or other agreement between parties. Where this By-law imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other by-laws, rules, regulations, or by easements, covenants or agreements, the provisions of this By-law shall control.

CHAPTER XXVI

CHANGES AND AMENDMENTS

- A. **PROCEDURE FOR CHANGE.** Whenever the public necessity, convenience, general welfare or good zoning practice require, the City Council may by by-law, after report thereon by the Commission and subject to the procedure provided in this Chapter, amend, supplement or change the regulations, district boundaries, or classifications of property, now or hereafter established by this By-law. An amendment, supplement, reclassification or change may be initiated by a resolution of intention by the Commission or the City Council or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed.
- B. **APPLICATIONS FOR CHANGE.** Applications for any change of district boundaries or reclassification of districts, as shown on the district map, shall be filed with the Commission upon forms and accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record.
- Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be changed, attesting to the truth and correctness of all facts and information presented with the application.
- C. **HEARING DATE - NOTICE.** Upon the filing of such application or the adoption of such resolution by the Commission or Council, the matter shall be set for hearing before the Commission. Notice of the time, place and purpose of such hearing shall be given by at least one publication in a newspaper of general circulation in the municipality designated for that purpose by the City Council and not less than ten (10) days prior to the date of hearing.
- D. **DECISION BY COMMISSION AND CITY COUNCIL.** If, from the facts presented, the Commission finds that public necessity, convenience, general welfare or good zoning practice require the change or reclassification involved or any portion thereof, the Commission may recommend such change to the City Council, and otherwise it shall deny the application. The Commission after it has conducted a public hearing thereon, with published notice thereof, shall make its findings and determination in writing within thirty (30) days from the date of filing of any application and shall forthwith transmit a copy thereof to the applicant. If the application is approved, the Commission shall forward its findings and recommendations to the City Council. The City Council as provided in this Chapter, may by by-law effect such amendment, supplement, change or reclassification or any portion thereof.
- E. **DENIAL - APPEAL.** If an application for change or reclassification is denied by the Commission as provided above, the applicant may, within fourteen (14) days from the date the notification of denial was mailed to said applicant, appeal to the City Council by written notice of appeal filed with the City Clerk. Said appeal shall be filed in duplicate and shall set forth specifically wherein the Commission's findings were in error and wherein the public necessity, convenience, welfare or good zoning practice require such change or reclassification. Said appeal must be referred to the Commission, and thereupon the Commission shall make a report to the City Council disclosing in what respect it failed to find that the public necessity, convenience, general welfare or good zoning practice requires the change or reclassification involved. The City Council may, by a two-third (2/3) vote of the whole of said Council, grant any such appealed application, but before making any change in the recommendation of the Commission, the Council must set the matter of hearing, giving the same notice of

hearing as provided in this Chapter and must make a written finding of fact setting forth wherein the Commission's finding were in error. The procedure of the City Council in effecting a change or reclassification of property initiated by resolution of intention, rather than by application of property owners, or for an amendment or supplement to the text which has been disapproved or partially disapproved by the Commission, shall be the same as that outlined above in this Chapter for the granting of an appealed application.

- F. **CHANGES INCIDENT TO SUB-DIVISION.** The City Council shall have authority to make changes without holding a public hearing where, in the subdivision of an area, it is found by the Commission that the districts, as shown on the district map, do not conform with the best subdivision and use of the land. In such instance, the City Council may, upon the recommendation of the Commission, authorize within the boundaries of the area being subdivided, the appropriate adjustment of district boundaries or the reclassification of the area into a more restricted district. Such recommendation of the Commission to the City Council shall be made only after receipt of a written request by the owner of the area being subdivided, but no public hearing or filing fee shall be required by the Commission.

CHAPTER XXVII

ENFORCEMENT

It shall be the duty of the Commissioner of Buildings to enforce this By-law, with respect to new construction and the duty of the Medical Health Officer to enforce this By-law with respect to existing uses.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this By-law shall be fined not less than five (5) dollars nor more than fifty (50) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

CHAPTER XXVIII

VALIDITY

Should any chapter, clause or provision of this By-law be declared by the Court to be invalid, the same shall not affect the validity of the By-law as a whole or any part thereof, other than the part so declared to be invalid.

CHAPTER XXIX

WHEN EFFECTIVE

This By-law shall be in full force and effect from and after its passage and publication as provided by the law.

